

SUMMARY REPORT OF INVESTIGATION¹

I. EXECUTIVE SUMMARY

Date of Incident:	July 31, 2016
Time of Incident:	10:00 pm
Location of Incident:	██████████ Lake Shore Drive, Chicago, IL 60610
Date of COPA Notification:	August 2, 2016
Time of COPA Notification:	9:50 a.m.

On July 31, 2016, Beat ██████ was dispatched to the area of ██████ Lake Shore Drive in response to a subject in the street causing a disturbance. Beat ██████ arrived and attempted to engage the subject, later identified as ██████ (██████████) in a dialog. ██████ conversed with the officers in an incoherent manner, prompting Beat ██████ to request an ambulance for a mental evaluation.

Ambulance 11 and Beat ██████ arrived and attempted to place ██████ into the ambulance. Because of ██████ agitated state, movement into traffic, and what appeared to be intoxication, additional manpower was requested and Chicago Fire Department (CFD) Engine 98 arrived. ██████ attempted to evade the officers and ran to a bus, attempting to enter it. Officers surrounded ██████ to get him on a stretcher. ██████ ran toward ██████ Lake Shore Drive, tripped and fell over a hedge, got up and ran toward the building.

Citizens on the scene held the entrance door in an attempt to keep ██████ from entering the building, but were unsuccessful. While inside the vestibule area, Chicago Police Department (CPD) and CFD attempted to stop a revolving door from spinning to prevent ██████ from entering the lobby. Inside the revolving door, ██████ and a member of CFD became engaged in a physical encounter. The revolving door broke, and ██████ entered the building lobby.

Inside the lobby, a CFD member grabbed ██████ across the shoulder and attempted to bring ██████ to the ground but was unsuccessful. Sergeant ██████ (“Sgt. ██████”) announced the deployment of her taser and discharged. ██████ ripped the taser bars out and moved toward Sgt. ██████. Sgt. ██████ deployed her taser a second time and ██████ fell to the ground. Members of CPD and CFD converged on ██████ to restrain him. A CFD member administered a sedative to ██████. CPD officers handcuffed ██████ and put him in leg constraints. ██████ was placed on a stretcher and transported to Northwestern Hospital where he was treated and released.

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. Thus, 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.

II. INVOLVED PARTIES

Involved Officer #1:	██████████ Star # ██████ Employee# ██████; Date of Appointment, ██████████ 1; Unit of Assignment 018; Sergeant; DOB: ██████████; Female; White
Involved Officer #2:	██████████ Star # ██████; Employee# ██████; Date of Appointment; ██████████ Sergeant; DOB: ██████████; Female; Black
Involved Officer #3:	██████████ Star # ██████; Employee# ██████; Date of Appointment ██████████; Police Officer; DOB: ██████████; Male; Asian
Involved Officer #4	██████████ Star # ██████; Employee# ██████; Date of Appointment ██████████; Police Officer; ██████████; Male; White
Involved Officer #5	██████████ Star ██████ Employee# ██████; Date of Appointment ██████████; Police Officer; ██████████; Male; Hispanic
Involved Officer #6	██████████, ██████████ Star # ██████; Employee# ██████; Date of Appointment ██████████; Police Officer; DOB: ██████████; Male; White
Involved Individual #1:	██████████ DOB: ██████████; Male; Black

² Ofc. ██████████ retired March 16, 2018. Att. 66

III. ALLEGATIONS

Officer	Allegation	Finding
Sergeant [REDACTED]	1. Tasered [REDACTED] without justification in violation of Rules 2 and 9 and General Order U04-02-04, G03-02-04 and G03-02-02	Exonerated
Unknown Officers ³	1. Stomped on [REDACTED] head in violation of Rules 2 and 9 and General Order G03-02-02	Unfounded
	2. Kicked [REDACTED] about the body in violation of Rules 2 and 9 and General Order G03-02-02	Unfounded
	3. Punched [REDACTED] on the left jaw in violation of Rules 2 and 9 and General Order G03-02-02	Unfounded
	4. Placed [REDACTED] in a choke hold in violation of Rules 2 and 9 and General Order G03-02-02	Unfounded

IV. APPLICABLE RULES AND LAWS

Rules

1. Rule 2: Any action or conduct which impedes the Department’s efforts to achieve its policy and goals or brings discredit upon the Department.

2. Rule 9: Engaging in any unjustified verbal or physical altercation with any person, while on or off duty.

Applicable Orders⁴

1. U04-02-04 Taser Devices
 2. G03-02-04 Taser Use Incidents
 3. G03-02-01; G03-02-02 Force Options

 4. S02-01-04 Alcohol and Drug Dependent Persons
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³ COPA’s investigation determined that Sgt. [REDACTED] Ofc. [REDACTED] Ofc. [REDACTED] Ofc. [REDACTED] and Ofc. [REDACTED] as well as Sgt. [REDACTED] were the officers on the scene even though Mr. [REDACTED] could not identify the officers

⁴ This report references the version of the General Orders in effect on the date of the incident.

V. INVESTIGATION⁵

a. Interviews

On August 3, 2016 [REDACTED] was interviewed at the Independent Police Review Authority (IPRA). [REDACTED] identified his residential address as [REDACTED] Drive, Apartment [REDACTED]. [REDACTED] stated that on the date of incident he was tased 4 times and that he was tased in the groin. [REDACTED] stated he was attempting to catch a taxi outside his residence.⁷ Approximately 10 taxis passed him and then the cops pulled up. The officers asked him what he was doing, and he responded that he was trying to catch a cab. [REDACTED] asked the officers to be good community police officers and get him a cab. [REDACTED] said the officers attempted to get him a cab, but that they were not able to secure a cab for him.

Subsequently, ten to twelve police officers arrived on the scene and tried to arrest him. [REDACTED] asked them “what are you doing...I’m just trying to catch a taxi.”⁸ The doorman of the building came out and [REDACTED] asked the doorman to get him a taxi. [REDACTED] said the doorman told the officer that [REDACTED] was ok, that [REDACTED] lived there, and that the doorman would get a cab for [REDACTED]. The cops then tried to arrest [REDACTED] for no reason. As the police attempted to arrest [REDACTED] he ran into his building.

[REDACTED] said he entered the front lobby for safety reason because he believed the officers were mad because they could not arrest him or tase him or do whatever they wanted. [REDACTED] told the doorman that if he pulled out his keys, the police were going to shoot him. [REDACTED] asked the doorman to tell the police that he lived there because “they will kill me.”⁹ [REDACTED] said he had his back to the police officers and one of the officers “cold cocked”¹⁰ him from the side and then choked him. [REDACTED] stated that the officer also punched him and attempted to get him to the ground, but he knocked the officer off.

[REDACTED] said he was then tased the first time and that he was able to rip the barbs out with no problem. [REDACTED] was tased a second time and was able to remove the barbs again. The third time [REDACTED] was tased, he again ripped the barbs out and thought to himself why am I being attacked multiple times. [REDACTED] said the officer aimed for his groin the fourth time he was tased and he went down. [REDACTED] stated that he was not violent. [REDACTED] said he went down because he thought the police were going to kill him. [REDACTED] said he could have gotten up off the ground and knocked the officers off, but that he remained passive.

[REDACTED] said he was lying on the ground when the officers started stomping on his head, began kicking him in the stomach, and punching him. [REDACTED] said that while he was on the

⁵ COPA conducted a thorough and complete investigation. The following is a summary of the material evidence gathered and relied upon in our analysis.

⁶ Att. 5

⁷ [REDACTED] explained that he was not on the lease and was “technically a visitor.” (*Id.* at 11:22)

⁸ Att. 5 at 03:47

⁹ *Id.* at 05:14

¹⁰ *Id.* at 05:19

ground and the officers were trying to restrain him, the police were beating him up, attacking him, and torturing him. ██████ said while the officers were on top of him they tried to “sneak in kicks.”¹¹ ██████ was handcuffed shortly before the ambulance arrive and his ankles were also restrained. ██████ said that the events were all captured on film.

██████ said the incident occurred outside his residence when he was trying to flag down a taxi. ██████ said he was standing on the curb waving his arm to flag down a taxi. After a while he stepped off the curb to hail the taxi, but they kept passing him. ██████ said he stepped into the street to be visible enough for taxis not to pass him. ██████ was waiting for about 30 minutes

██████ said the first squad arrived with two male officers. ██████ stated that the officers first tried to get him a taxi, but then they tried to arrest him. ██████ said the police treated him like a thug and made racially belittling comments when he told them he lived there. . ██████ said he attempted to get on a bus, but he was again racially profiled. ██████ told the bus driver to help him. ██████ said he tapped on the bus window, but the bus driver refused to let him on. ██████ said multiple squads arrived and confronted him. ██████ said there were six officers on each of his arms and five in front of him. ██████ said he was standing there with his arms extended when the police tried to tase him.

██████ said he got away by “God’s good graces”¹² and reached the lobby for safety. ██████ said he was talking to ██████ (phonetic), telling him that if he pulled out his keys, the police were going to shoot him. One of the officers hit him in the jaw on the left side and grabbed him by the neck. ██████ said he did not know how many officers tried to grab him, but they placed him in an illegal choke hold trying to suffocate him. The uniformed officer punched him and then choked him. ██████ knocked the officer off him and the officer fell.

The Caucasian female sergeant said “tase, tase...”¹⁴ and then fired, striking ██████ in his left shoulder and ██████ ripped out the barbs. The sergeant then fired again, striking ██████ in the left leg and ██████ pulled out those barbs. The third taser strike hit ██████ on the right side of his stomach and ██████ was able to remove the barbs. The fourth taser deployment struck ██████ in the groin and he willingly went down. ██████ described himself as two hundred and fifty-nine (259) pounds and six feet flat with a muscular build. While on the ground, ██████ said the police were digging into his neck, kicking, punching, torturing him, stomping him, and trying to kill him.

██████ said he had been drinking and had around five drinks over the course of the day.

██████ was transported to Northwestern Hospital where he was treated. The doctor removed the taser prong from his groin and ██████ remained at the hospital until approximately 10:30 a.m. the next morning when he was released. ██████ said the police did not escort him to the hospital and that no police were at the hospital. ██████ said he suffered scratches, bruises,

¹¹ Att. 5 at 09:33

¹² *Id.* at 22:33

¹³ ██████ identified ██████ as the clerk/security person behind the desk at the condominium.

¹⁴ Att. 5 at 28:24

swelling, blood clots in his eye, prong marks in his groin, and prong marks on his body. ██████ said that the hospital did not treat him, and that he did not trust hospitals or the police.

On February 27, 2018, Sergeant ██████ (“Sgt. ██████¹⁵ # ██████) was interviewed at the Civilian Office of Police Accountability (COPA). Sgt. ██████ stated that on July 31, 2016, she was in uniform, on-duty, and working a two-person unit with Sgt. ██████. This was not Sgt. ██████ normal assignment, the department mandated that all units were to be two-person units because of a police shooting that had recently occurred in Texas.

Prior to the incident, Sgt. ██████ and Sgt. ██████ were leaving an unrelated call. When they returned to their squad car, there was a portable data terminal (PDT) message requesting a supervisor at ██████ Lake Shore Drive.

When they arrived, and exited their squad car at ██████ Lake Shore Drive, Sgt. ██████ said a member of the Chicago Fire Department (CFD) in a white shirt, later identified as Emergency Medical Services (EMS) Field Chief ██████ came to her in an agitated and upset state and wanted to know what took them so long. The CFD member informed Sergeant ██████ that CFD had shut down the street for almost an hour with the subject standing in the middle of the street. Sergeant ██████ walked to where ██████ was standing. Sgt. ██████ said ██████ was rambling about something and that he appeared to be in a daze, looking off into space. Sgt. ██████ stated that ██████ was standing with another male.¹⁶ Sergeant ██████ asked the other male if he knew ██████ and the male said that he did know ██████ and that he had never seen ██████ act that way before.

A firefighter in a white shirt told Sergeant ██████ that they needed to get ██████ to the hospital. Sergeant ██████ said the decision was made to take ██████ to the hospital and ██████ took off running. Sergeant ██████ said there were several citizens watching ██████ acting “spazzed”¹⁷ out with glassy eyes, “babbling some things.”¹⁸ ██████ ran down the street toward a CTA bus with officers and paramedics in pursuit. When ██████ was unable to board the bus, he ran toward the building, jumped over some hedges and entered the building.

Inside the vestibule area officers and paramedics were trying to subdue ██████. The scene was “chaotic,”¹⁹ with officers and firefighters physically attempting to bring ██████ to the ground. Sergeant ██████ described it as officers and paramedics grabbing for ██████ and he stated that no one was punching ██████. ██████ entered a revolving door and he and officers were holding the door until it shattered.

When they entered the lobby of the building, someone who Sergeant ██████ could not identify yelled, “tase him.” Sergeant ██████ pulled out her taser, announced taser three times and fired her taser. Sergeant ██████ said she radioed OEMC informing them of the taser deployment. Sergeant ██████ said ██████ snatched the barbs out and described it as an

¹⁵ Att. 30

¹⁶ COPA investigators believe this was ██████ from the building.

¹⁷ Att. #30 at 10:31

¹⁸ *Id.* at 10:38

¹⁹ *Id.* at 13:50

“Incredible Hulk”²⁰ moment. Sergeant ██████ deployed her taser again and ██████ went to the ground. Officers and paramedics moved in to restrain ██████. A paramedic administered some type of shot. ██████ calmed down after the injection and he was placed on the stretcher. Sergeant ██████ said she believed the reason the paramedics first grabbed ██████ was they were on-scene for a medical emergency.

On March 2, 2018, **Captain ██████** was interviewed at the Chicago Fire Department Facility located at 3510 S. Michigan, 2nd Floor. Captain ██████ said that on July 31, 2016, he was on-duty in charge of the Engine 98 five-man team. Engine 98 was assigned to assist an ambulance at ██████ Lake Shore Drive. When they arrived, they parked their vehicle on Lake Shore Drive. Captain ██████ said the patient, ██████ was not coherent. Captain ██████ said the ambulance needed to get ██████ to the hospital because he was “drugged out.”²² Captain ██████ saw two officers in blue shirts on the scene. Captain ██████ saw a crowd gathering. People in the crowd were yelling at ██████ and ██████ was loud and belligerent.

Captain ██████ said he could not understand anything ██████ was saying. Captain ██████ learned ██████ just came back from Lollapalooza. A CFD field officer, a paramedic supervisor, was called, as well as a police supervisor. Captain ██████ said that members of CFD were dealing with ██████ for a much longer time than normal. While on the street an unidentified subject²³ was trying to speak with ██████. Captain ██████ said the subject knew ██████ and said he had never seen ██████ act like this. Captain ██████ said he asked the subject to try to convince ██████ to go into the ambulance. The police allowed the subject to try to persuade ██████ to get on the stretcher. Captain ██████ said everyone was being very gentle with ██████.

The police took ██████ by the arms and tried to lead him to the stretcher. When ██████ was about to get on the stretcher, he flipped out ²⁴ and became combative, swinging his arms to get away from everyone. Captain ██████ said based on his experience, he sensed that ██████ was going to be combative. ██████ broke away from everyone and ran, fell, got up and ran down Lake Shore Drive. ██████ ran up to the front of a bus that was coming south on Lake Shore Drive, started pounding on it, and attempted to board it. The police started to surround ██████ and while ██████ spoke incoherently. Captain ██████ did not believe ██████ knew where he was. The police and fire department personnel again tried to persuade ██████ to get on the stretcher. ██████ broke through the officers that were surrounding him and ran toward the building at ██████ Lake Shore Drive, fell, got up, and jumped over bushes as he ran toward the building. Captain ██████ said the people in the area were screaming and he heard, “Oh my God, here he comes.”²⁵

The police and fire department personnel pursued ██████ to the building. When ██████ got to the door, an unidentified resident attempted to hold the door shut so ██████

²⁰ Att. #30 at 11:55

²¹ Att. 36

²² *Id.* at 3:47

²³ The Allied Barton Reports identified ██████ as speaking with Mr. ██████. Allied Barton is the contract security company that manned the front desk and conducted checks of the property.

²⁴ Att. #36 at 06:48

²⁵ *Id.* at 09:55

could not enter the building, but [REDACTED] was able to gain entry. Captain [REDACTED] said that if unidentified resident did not slow [REDACTED] down by holding the door, Captain [REDACTED] did not believe they would have been able to catch [REDACTED] then entered a revolving door. A police officer put his foot in the revolving door to stop it from spinning. Paramedic [REDACTED] intended to administer an injection of Versed²⁶ to [REDACTED] Captain [REDACTED] tried to grab [REDACTED] arm, [REDACTED] “flipped”²⁷ and became a “raging bull.”²⁸ [REDACTED] grabbed Captain [REDACTED] and “roughed”²⁹ him up, pulling him into the revolving door. Paramedic [REDACTED] pulled Captain [REDACTED] out of the revolving door and the glass of the door broke.

CPD and CFD personnel followed [REDACTED] into the lobby. A tall paramedic, now known to be [REDACTED] went to talk with [REDACTED] The female police sergeant, now known to be Sgt. [REDACTED] pulled her taser out and told everyone to step back. Captain [REDACTED] described [REDACTED] as a “raging bull”³⁰ from the time they encountered him on Lake Shore Drive to the lobby. [REDACTED] was ordered to the ground, but when he did not comply Sgt. [REDACTED] discharged her taser. Captain [REDACTED] said [REDACTED] was again speaking incoherently and ripped the taser barbs from his body³¹ saying, “you can’t hurt me”³² and then moving toward the Sgt. [REDACTED] The sergeant reloaded her taser and deployed it again at [REDACTED] who then went to the ground.

Once [REDACTED] went to the ground, Captain [REDACTED] was on [REDACTED] back and 10 firefighters and police officers were needed to restrain him. Paramedic [REDACTED] injected [REDACTED] with Versed, which calmed [REDACTED] down a little. [REDACTED] continued to struggle, and Captain [REDACTED] grabbed [REDACTED] arm to assist with handcuffing him. [REDACTED] was placed on a stretcher and paramedics applied additional restraints on him. [REDACTED] was moved to the ambulance and transported to the hospital. An ambulance was called for Captain [REDACTED] because he sustained injuries to his shoulder, neck and knee during the altercation.

Captain [REDACTED] never saw any police officer strike, punch, knee or kick [REDACTED] Captain [REDACTED] believed that the taser deployment occurred because Sergeant [REDACTED] had no other alternative. Captain [REDACTED] said he has been a member of the Chicago Fire Department for 28 years and has been assigned to Engine 98 since April 2015. Captain [REDACTED] described the Chicago Fire Department uniform as being different from the Chicago Police Department uniform in color and the insignias on the uniform. Captain [REDACTED] said everyone from the fire department was wearing something that designated them as a member of the fire department and all the police department members were in their uniforms.

On March 7, 2018, **Paramedic [REDACTED]** was interviewed at the Chicago Fire Department Facility located at 3510 S. Michigan, 2nd Floor. Paramedic [REDACTED] said that on July

²⁶ Midazolam, marketed under the trade name Versed, among others, is a medication used for anesthesia, procedural sedation, trouble sleeping, and severe agitation.

²⁷ Att. #36 at 12:25

²⁸ *Id.* at 12:29

²⁹ *Id.* at 12:38

³⁰ Att. #36 at 14:45

³¹ Captain [REDACTED] used his hands and arms to show [REDACTED] grabbing from his center to the right and left and holding an exaggerated pose with chest extended and arms flexed.

³² Att. #36 at 15:25

³³ Att. 39

31, 2016, he was working Ambulance 11 and they were dispatched to a psychiatric emergency at ██████████ Lake Shore Drive. When they arrived, the police were on scene and a male between 30 to 35-years-old, later identified as ██████████ was in the street pacing back and forth rambling incoherently, sweating profusely, and not identifying himself. The paramedics conferred with the police who wanted ██████████ medically evaluated. Based on ██████████ demeanor, paramedics determined ██████████ was not in any position to refuse medical care. Paramedic ██████████ said ██████████ continued rambling incoherently and could not identify himself or what he was doing. The paramedics attempted to persuade ██████████ to go into the ambulance for further evaluation.

██████████ refused to get into the ambulance and continued pacing. Paramedic ██████████ said that his partner Paramedic ██████████ radioed for additional resources as did police officers at the scene. When his supervisor, EMS Field Chief ██████████ arrived, Paramedic ██████████ said that his supervisor contacted the hospital to document the incident. CPD and CFD personnel were trying to deescalate the situation and convince ██████████ to get into the ambulance for an assessment. ██████████ ran toward a CTA bus, and the police and fire department personnel followed. When ██████████ was unable to board the bus, he ran back toward the original intersection and then toward the building at ██████████ Drive.

██████████ entered the building and was in a turn-a-round area that Paramedic ██████████ described as a mailbox room between the entryway and a revolving door to the concierge desk. ██████████ grabbed the captain of the CFD Engine, now known to be Captain ██████████ and attempted to pull him through the revolving door. Paramedic ██████████ grabbed Captain ██████████ and pulled him away from ██████████ was able to enter the main lobby, went to the concierge desk and started yelling at employees. Paramedic ██████████ did not remember seeing any members of the police department in the mailbox area.

After ██████████ entered the lobby, the female police sergeant said, “taser, taser,”³⁴ and everyone stood back. The sergeant discharged her taser and ██████████ ripped the barbs out. ██████████ used vulgarity to state that the taser is not going to do anything to him. The sergeant discharged the taser a second time and ██████████ went to the ground. ██████████ hands were handcuffed, his feet were restrained, and a chemical restraint was administered per protocol. ██████████ was secured on the stretcher and moved to the ambulance for further assessment. Northwestern Hospital was contacted with an update. ██████████ was transported to the hospital and turned over to emergency room personnel.

On March 7, 2018 **Paramedic in Charge (PIC)** ██████████ ██████████ was interviewed at the Chicago Fire Department Facility located at 3510 S. Michigan, 2nd Floor. Paramedic ██████████ said on the day of the incident paramedics were called to assist the police department. When they arrived on the scene, PIC ██████████ said he saw police squad cars parked in the curb lane facing south on the inner drive.³⁶ Officers were standing on the sidewalk and informed him they believed the subject they were dealing with, later identified as ██████████ needed to go to the hospital.

³⁴ *Id.* at 09:44

³⁵ Att. 42

³⁶ Lake Shore Drive is divided into two sections, the inner drive is a residential street where pedestrian and residential traffic are allowed while Lake Shore drive is an expressway. The two are divided with a metal guardrail.

PIC ██████ said ██████ was running around, flailing his arms and speaking incoherently. PIC ██████ said the police were not doing anything. PIC ██████ said he asked the officers several times to place ██████ into protective custody, but they refused. PIC ██████ said he used the radio to ask for “police who weren’t afraid to do their job.”³⁷ PIC ██████ asked for a chief and an engine to assist. PIC ██████ said that, although not normally done, he contacted the hospital directly and asked to speak with a physician, so the officers could hear the hospital order ██████ to be taken into protective custody. This was done over the “Med Chanel”³⁸ and incorporated in PIC ██████ report.

Eventually, more officers arrived on scene as well as Engines 98 and 451. PIC ██████ said he could not identify the officers on the scene but his written report would contain the officers’ beat numbers. PIC ██████ said ██████ ran into a CTA bus like a “rhinoceros,”³⁹ striking the bus with his head. When ██████ was unable to board the bus, he ran toward the building, went “head first over a row of hedges, sprang back up, ran across a lawn, across a driveway, up 5 to 6 concrete steps and charged head first through a revolving door.”⁴⁰ The first time ██████ struck the door, he was unable to get through. However, the second time ██████ struck the door, he went through it. PIC ██████ said Captain ██████ leaned into the door to grab ██████ as the metal edge of the revolving door was coming around. PIC ██████ partner, Paramedic ██████ grabbed Captain ██████ and pulled him out before the metal struck Captain ██████ head.

After getting through the door, ██████ entered an area containing marble, granite, brass metal and oak. PIC ██████ said it was a dangerous environment. Multiple officers, Engine 98 personnel and Ambulance 11 personnel were present in the building lobby with ██████ ██████ was trying to escape in a closed environment. After the sergeant yelled taser three times, ██████ was tasered and ripped the barbs out. The sergeant deployed the taser a second time which was effective, rendering ██████ to the ground. It took every person there to hold ██████ down even with chemical restraints administered to ██████ PIC ██████ said ██████ was injected with a 10 milligrams dose of medical Versed which was “100% ineffective.”⁴¹ ██████ was then handcuffed and shackled.

PIC ██████ said everyone exhibited a great deal of due diligence on scene. PIC ██████ stated that they were on scene for an hour and forty-five minutes, when the average ambulance call takes thirty to forty-five minutes.

On March 8, 2018, **Firefighter/EMT ██████ ██████** was interviewed at the Chicago Fire Department Headquarters located at 3510 S. Michigan. Firefighter ██████ said that on July 31, 2016, he was on duty as a firefighter assigned to Engine 80. He stated that Engine 80 was dispatched to ██████ Dr. for a psychiatric call or a man down.

³⁷ *Id.* at 05:45

³⁸ *Id.* at 6:47

³⁹ *Id.* at 09:29

⁴⁰ *Id.* at 12:18

⁴¹ *Id.* at 15:39

⁴² Att. 48

Firefighter ██████ said that upon arriving on scene, he saw ██████ outside. Firefighter ██████ said that ██████ was very vocal, speaking nonsensically, running around, flailing his arms in a very animated manner, and was very loud. Firefighter ██████ said ██████ appeared under the influence of something. Police officers were attempting to convince ██████ to go to the hospital. Firefighter ██████ said the incident took approximately two hours.

Firefighter ██████ said the police couldn't get close to ██████ who ran out into the inner drive to avoid the police. ██████ pounded on the front window of a bus. When the police approached him, ██████ ran toward the building. ██████ tripped and fell, got up, and ran to the building.

████████ entered the building and Firefighter ██████ thought a resident tried to stop the revolving door. When Firefighter ██████ entered the building, he saw ██████ go through the revolving door and into a bigger lobby.

When Firefighter ██████ entered the lobby, the police were standing in front of ██████ speaking to him. The police were trying to convince ██████ to go to the hospital. The police were trying to deescalate the situation. The police sergeant announced that she would deploy her taser. When she deployed the taser, ██████ looked at it and pulled out the barbs.

After ██████ pulled the barbs out, the sergeant tasered ██████ again. ██████ went to the ground after being tasered the second time. It was the goal of everyone to put ██████ on the gurney. ██████ weighed approximately 250-260 pounds and was resisting as they were trying to restrain him. Firefighter ██████ said he did not see any officer strike, punch, knee, or kick ██████. Once ██████ was placed on the stretcher he was restrained and transported to Northwestern Hospital.

On March 8, 2018, **Firefighter/Paramedic ██████** was interviewed at the Chicago Fire Department Headquarters located at 3510 S. Michigan. Firefighter ██████ said that on July 31, 2016, he was on duty as a Firefighter/Paramedic and assigned to Engine 98. He was responsible for assisting paramedics in medical emergencies and to conduct firefighting procedures. Firefighter ██████ said they were dispatched to assist an ambulance.

Firefighter ██████ said that at the scene, he saw ██████ in the intersection pacing back and forth. He said ██████ was verbally incoherent. Firefighter ██████ said the police surrounded ██████ and tried to stop traffic. Police officers and paramedics attempted to persuade ██████ to get into the ambulance. ██████ ran toward a bus and tried to get into it. When the bus driver did not allow him to enter, ██████ ran toward the condo building. Firefighter ██████ said that while outside, he did not see any officer punch, strike, knee, or kick ██████.

When ██████ ran into the building, Firefighter ██████ was approximately fifteen feet behind him. When Firefighter ██████ made it into the building he saw his captain, later identified as Captain ██████ and ██████ in the revolving door. Firefighter ██████ saw a paramedic trying to get Captain ██████ out of the revolving door.

⁴³ Att. 49

██████████ entered the building lobby and ran toward the elevator, then toward the counter. The police surrounded ██████████ and told him to get on the ground. The police sergeant told ██████████ to get down and discharged her taser, striking ██████████ in the chest. ██████████ pulled the barbs out and said, “this ain’t nothing.”⁴⁴ ██████████ started walking toward the sergeant and she discharged the taser again. ██████████ went to the ground. Once on the ground, ██████████ continued to struggle and all the members of CFD and CPD attempted to hold him down. Firefighter ██████████ did not know if the police handcuffed ██████████. Firefighter ██████████ said that while in the lobby, he did not see anyone strike, punch, knee, or kick ██████████. Firefighter ██████████ said EMS personnel placed restraints on ██████████ and secured him to the stretcher. ██████████ was placed in the ambulance and transported to the hospital.

On March 12, 2018, Officer ██████████ #██████████ was interviewed at COPA. Officer ██████████ said on July 31, 2016, he was on duty and in uniform. He was working Beat ██████████ with his partner, Officer ██████████. Officer ██████████ said that he and Officer ██████████ assisted two police officers who were assigned to handle a subject, now known to be ██████████ who was acting erratically. ██████████ appeared under the influence of drugs and was causing a disturbance. Officer ██████████ said he saw ██████████ screaming and yelling and that ██████████ was not making sense. Officer ██████████ said ██████████ was running around the scene, including into the street. ██████████ was very big and kept flexing his muscles. Officer ██████████ said the paramedics were called because ██████████ needed to go the hospital for a mental evaluation.

Officer ██████████ said for approximately 45 minutes, everyone attempted to calm ██████████ down. Officer ██████████ said they did not want to approach ██████████ because they were physically no match for him, and they were waiting for more officers to show up on scene. Officer ██████████ said ██████████ was very aggressive and they called for a supervisor. Officer ██████████ said they did not want to get hurt and did not want ██████████ to get hurt. Officer ██████████ said they tried to convince ██████████ to get into the ambulance using force mitigation techniques. They used time as a de-escalation technique, but ██████████ kept running around, into the street, and across lawns.

Officer ██████████ believed ██████████ was a danger to himself and others because he kept flexing his muscles, was agitated, and was sweating profusely. One of the paramedics said let’s grab him and put him in the ambulance. Officer ██████████ suggested getting additional manpower to engage ██████████. Because ██████████ was constantly moving, no one could get their hands on him.

Residents of the building were trying to hold the entry door closed to prevent ██████████ from getting into the lobby. ██████████ was able to open the door and enter the building. ██████████ ran into the building and entered the revolving door, broke through and entered the lobby. Officers followed ██████████ into the lobby. Officer ██████████ said he believed officers were giving commands, but he did not know who gave the commands or what the commands were. ██████████ ran up to the desk and appeared agitated. ██████████ would not comply with commands. Sergeant ██████████ announced, “taser” and then discharged her taser. Officer ██████████ said he did not believe the taser

⁴⁴ Att. 49

⁴⁵ Att. 53

made proper contact with [REDACTED] Sergeant [REDACTED] discharged the taser a second time. [REDACTED] went to the ground, 6 or 7 members of CPD and CFD converged on [REDACTED] to hold him down.

[REDACTED] was handcuffed. Officer [REDACTED] retrieved leg shackles because [REDACTED] was struggling and kicking, and placed them on [REDACTED] legs. After the shackles were applied, [REDACTED] was no longer able to kick. [REDACTED] was placed on a stretcher and transported to Northwestern Hospital for evaluation.

On March 12, 2018, Officer [REDACTED] # [REDACTED] was interviewed at COPA. Officer [REDACTED] said that on July 31, 2016, he was on duty, in uniform, and working Beat [REDACTED] with his partner Officer [REDACTED]. Officer [REDACTED] said he heard radio traffic about a disturbed person on Lake Shore Drive. Officer [REDACTED] said the call was assigned to Officers [REDACTED] and [REDACTED]. Officer [REDACTED] said there was a generic description of an unstable person who was menacing people near [REDACTED] Lake Shore Drive. There was no specific crime referenced. When Officer [REDACTED] arrived, he and his partner parked near [REDACTED] Lake Shore Drive.

Officer [REDACTED] said that when he arrived he saw a young, muscular Black male, now identified as [REDACTED] standing close to the intersection of [REDACTED] Lake Shore Drive. Officer [REDACTED] said [REDACTED] was tense, moving erratically, and acting wildly. [REDACTED] was agitated, pacing, perspiring, and aggressively moving his arms.

Officer [REDACTED] moved his squad car to block traffic because of [REDACTED] movements. As the situation escalated, Officer [REDACTED] called for a supervisor as he believed [REDACTED] to be dangerous and unpredictable. Officer [REDACTED] said [REDACTED] provided inappropriate responses to questions. Officer [REDACTED] said he was instructed to watch [REDACTED] and prevent him from going onto Lake Shore Drive.

Officer [REDACTED] said [REDACTED] muscles were tense like he was prepared to fight. Officer [REDACTED] said officers were trying to use time to get [REDACTED] emotions down. Officer [REDACTED] said he did not give [REDACTED] commands and tried not to provoke him. Officer [REDACTED] believed paramedics were called because [REDACTED] needed medical attention and officers needed professionals who were trained to deal with this type of situation.

Officer [REDACTED] said [REDACTED] moved aggressively toward a bus and tried to get on it. As CPD and CFD members approached [REDACTED] he moved away. [REDACTED] ran into the building at [REDACTED] Dr. Officer [REDACTED] entered the lobby and saw CPD and CFD members trying to hold [REDACTED] down. Officer [REDACTED] attempted to hold [REDACTED] feet. [REDACTED] was placed on a stretcher and transported to Northwestern Hospital. Officer [REDACTED] said he rode in the ambulance to the hospital. [REDACTED] never made any statements in the ambulance.

On March 13, 2018, Sergeant [REDACTED] # [REDACTED] was interviewed at COPA as an accused officer. Sergeant [REDACTED] said that on July 31, 2016, she was on duty and working Beat [REDACTED] with her partner Sergeant [REDACTED]. Sergeant [REDACTED] said they were on a job at Children's Memorial Hospital when she heard radio traffic requesting a taser. Sergeant [REDACTED] and her partner went to

⁴⁶ Att. 54

⁴⁷ Att. 56

██████████ Lake Shore Drive. When she arrived, Sergeant ██████████ saw fire equipment and police squad cars blocking off traffic on inner Lake Shore Drive. Sergeant ██████████ saw a subject, later identified as ██████████ at the corner with members of CPD and CFD. As Sgt. ██████████ approached, she was briefed on the situation. Sergeant ██████████ attempted to speak with ██████████ but he was not responding rationally.

Sergeant ██████████ said that ██████████ was pacing with his fist clenched and was speaking irrationally. Sergeant ██████████ told ██████████ he was not under arrest and asked him to get into the ambulance. As CPD and CFD members approached ██████████ he ran into traffic. ██████████ ran to a bus, banged on the door, and attempted to get on the bus. ██████████ ran into the building at ██████████ Dr. When he entered the revolving door, CFD and CPD members were holding the door so he could not advance. Sergeant ██████████ said ██████████ kicked out the glass window of the revolving door and entered the lobby.

When ██████████ entered the lobby, he went to the desk. CPD and CFD members followed to take ██████████ into custody for a mental health evaluation. Members attempted to restrain ██████████ but were unsuccessful. Sgt. ██████████ announced “taser”, then discharged her taser at ██████████ pulled out the barbs, clenched his fist and said, “I’m going to kill you bitch.”⁴⁸ Sergeant ██████████ said she announced “taser” again, discharged the taser at ██████████ a second time and he went to the ground.

Members of CPD and CFD converged on ██████████ to hold him down. ██████████ was placed on a stretcher and transported to Northwestern Hospital.

On March 13, 2018, Officer ██████████ #██████████ was interviewed at COPA. Officer ██████████ said on July 31, 2016, he was working Beat ██████████ with his partner Officer ██████████ when they responded to a disturbance call. Upon arrival on scene, a Black male, later identified as ██████████ was standing at the sidewalk talking “gibberish.” Based on ██████████ demeanor, Officer ██████████ called for an ambulance because he thought ██████████ was mentally disturbed. Officer ██████████ and his partner continued talking with ██████████ telling him they were there to assist him. However, ██████████ ignored the officers.

Officer ██████████ said he and Officer ██████████ were dealing with ██████████ alone for about 30 minutes. After the ambulance arrived, the paramedics experienced the same problems with ██████████ as the officers did. ██████████ did not respond to questions in an appropriate manner; continued talking nonsensically, and became aggressive. ██████████ then ran into traffic. Officer ██████████ said both he and the paramedics requested back-up. Officer ██████████ also requested a supervisor. As officers approached to place ██████████ into custody, he ran into traffic and then toward a bus. ██████████ attempted to get on the bus.

██████████ ran from CPD and CFD personnel toward the building.⁵⁰ ██████████ fell numerous times before entering the building. When ██████████ reached the revolving door inside the building, someone stopped the door from turning. While in the revolving door, someone

⁴⁸ Att. 56

⁴⁹ Att. 57

⁵⁰ ██████████ Drive

unsuccessfully tried to control ██████████ broke the revolving door and ran into the lobby. He then ran to the concierge's desk, where a member of CFD grabbed him. ██████████ became agitated. A CPD sergeant told ██████████ to stop, but he ignored her command. The sergeant announced "taser" and discharged the taser at ██████████ pulled out the barbs and charged at the sergeant. As he was moving toward the sergeant, she announced "taser" again and discharged the taser a second time. ██████████ curled up and went to the ground, allowing CPD and CFD members to grab onto ██████████ and hold him down. Officer ██████████ believed ██████████ was under the influence of some type of substance. Officer ██████████ said his partner, and members of CFD, attempted to handcuff ██████████. When ██████████ was secured, he was placed on a stretcher and transported to the hospital in an ambulance.

On March 14, 2018, **Firefighter** ██████████ ██████████ was interviewed at the Chicago Fire Department Headquarters located at 3510 S. Michigan second floor. Firefighter ██████████ said that Engine 98 was called to the scene as a manpower assist.⁵² When he arrived, Firefighter ██████████ said he saw police officers and Ambulance 11 personnel near a subject, later identified as ██████████ was moving around, yelling and screaming. Firefighter ██████████ said people were trying to get ██████████ to get into an ambulance. Firefighter ██████████ said ██████████ was not listening to anyone and seemed agitated. Members of CPD and CFD were trying to keep people away from the scene and ██████████ off the street.

Every time someone approached him, ██████████ would run away. ██████████ tried to board a bus on Lakeshore Dr., then ran toward a building with CPD and CFD members chasing him. When Firefighter ██████████ approached the door to the building, he saw ██████████ in one section of the revolving door. Firefighter ██████████ saw Captain ██████████ in another section. Firefighter ██████████ saw the glass break and someone grabbed Captain ██████████ to get him out of the revolving door.

Members of CPD and CFD followed ██████████ into the lobby. Firefighter ██████████ said he was one of the last to enter the lobby. Firefighter ██████████ stated that a taser was deployed and ██████████ ripped the wires from his chest. There was another taser discharged and ██████████ went to the ground. Firefighter ██████████ did not know who discharged the taser either time. Several members of CPD and CFD tried to secure ██████████ because he was struggling. Firefighter ██████████ said he saw personnel struggling with ██████████ arm and legs until he was secured. Once ██████████ was secured, he was placed on a stretcher and transported to the hospital in an ambulance.

On March 23, 2018, **Officer** ██████████ ██████████ # ██████████ was interviewed at COPA. Officer ██████████ said on July 31, 2016, he was on duty in full uniform working Beat ██████████ with his partner Officer ██████████. Officer ██████████ said they were dispatched as the primary unit for a disturbance with a mental subject at Barton and Inner Lake Shore Drive. When they arrived, he saw a subject, later identified as ██████████ standing on the corner talking to himself or making statements. They drove up to ██████████ and Officer ██████████ asked ██████████ if he was alright.

⁵¹ Att. 60

⁵² Manpower assist refers to a request for additional manpower because members on scene believed additional manpower are necessary to control the scene.

⁵³ Att. 64

He asked [REDACTED] if he was waiting for a cab and if he needed an ambulance. [REDACTED] responded to Officer [REDACTED] questions in an illogical manner. Officer [REDACTED] said they were talking to [REDACTED] for approximately forty-five minutes, continually asking him if he needed an ambulance before he called for an ambulance.

Officer [REDACTED] said that [REDACTED] was sweaty, animated with his arms, moving back and forth, and saying bizarre things. CPD and CFD personnel blocked off Inner Lake Shore Drive for thirty minutes. Officer [REDACTED] was trying to coax [REDACTED] into an ambulance because he feared [REDACTED] would run into Lake Shore Drive. [REDACTED] tried to run in front of traffic and enter a bus while members of CPD and CFD chased after him. After running from the police, [REDACTED] ran into the building.

When [REDACTED] ran toward the building there were kids trying to hold the door closed so [REDACTED] could not enter. [REDACTED] was able to open the door and enter. In the entryway, [REDACTED] entered a revolving door where an officer attempted to take [REDACTED] into custody. This was the first-time officers were able to make contact with [REDACTED]. The revolving door was being held and it broke. [REDACTED] entered the lobby and was cornered near the main desk. Officer [REDACTED] believed [REDACTED] was told to get on the ground. A CPD Sergeant announced “taser” and deployed the taser. The taser was ineffective and [REDACTED] pulled the barbs out, then stepped toward the sergeant. The sergeant deployed her taser a second time, which was effective, and [REDACTED] went to the ground.

Multiple members of CPD and CFD tried to hold [REDACTED] down and secure him. [REDACTED] was fighting, struck the Battalion Chief in the head, kicked Officer [REDACTED] and injured another officer’s shoulder. [REDACTED] continued to struggle, kicking and flailing. Medical personnel sedated [REDACTED] and he was eventually handcuffed. Officer [REDACTED] said he placed one handcuff on [REDACTED] while other members struggled with his other arm. [REDACTED] was eventually secured using two sets of handcuffs. [REDACTED] was placed on a gurney and strapped down for his safety. [REDACTED] was transported to the hospital for a mental evaluation. Officer [REDACTED] said Engine 98 followed the ambulance to the hospital.

b. Digital Evidence

Video⁵⁴ was received from four security cameras at [REDACTED] Lake Shore Dr. Three cameras captured images related to the incident.

The camera identified under DVR 1; CH [REDACTED] shows the interior lobby area facing the front desk area. The beginning of the video shows a woman at a desk appearing to speak with a man behind a counter. A group of people move through the lobby into a gated area. A subject, later identified as [REDACTED] enters the lobby and walks to the counter with his back to the camera. members of the CFD and CPD enter the lobby. A member of CFD grabs [REDACTED] from behind. [REDACTED] pushes the CFD member off. A CPD sergeant, later identified as Sgt. [REDACTED] has her taser out and discharges it at [REDACTED] removes the barbs and moves towards the other CPD and CFD members flailing his arms. As [REDACTED] moves, laser lights can be seen on [REDACTED] and it appears the sergeant discharges the taser again. [REDACTED]

⁵⁴ Att. 15

went to the ground and members of CPD and CFD converged on [REDACTED] Members of CPD and CFD attempt to hold [REDACTED] down and apply handcuffs. Members of CFD enter with a gurney. After a short period of time, some members of CPD and CFD stand, no longer holding [REDACTED] An officer enters, goes to [REDACTED] feet, and appears to apply leg restraints. Members of CFD also apply some white strips to [REDACTED] Members of CPD and CFD lift [REDACTED] and place him on the gurney. [REDACTED] is secured to the gurney and moved out of camera view.

The camera identified under DVR 1; CH [REDACTED] shows the lobby area from behind a desk into the lobby. This video captures the same scene as DVR 1; CH [REDACTED] from the opposite direction.

The camera identified under DVR 2; CH [REDACTED] shows the entrance area and a revolving door. The video shows a woman entering the entry door and through the revolving door. Several more people enter the entry door and stop at the revolving door. Two people held the entry door as a male, later identified as [REDACTED] attempts to enter. A CPD member follows [REDACTED] into the entryway. The CPD member attempts to grab [REDACTED] and they enter the revolving door. A second CPD member enters and holds the revolving door. Additional members of CPD and CFD enter the entryway and attempt to hold the revolving door. A member of CFD enters the revolving door with the CPD member and they attempt to grab [REDACTED] to get him out of the revolving door. The officer exits the revolving door and a second member of CFD is seen pulling the first CFD member that entered the revolving door out of the door. Two members of CPD attempt to stop the revolving door from turning, but then suddenly the door breaks. The video shows members of CPD and CFD leaving the building and returning. It shows members of CFD entering with a gurney. It shows members of CPD and CFD entering and leaving as well as people enter and leave.

c. Physical Evidence

The medical report⁵⁵ for [REDACTED] from Northwestern Memorial Health Care documents his diagnosis, chief complaint, toxicology test results and physician notes. The toxicology report indicated [REDACTED] had Benzodiazepines and Cannabinoids in his system. The attending physician's addendum noted [REDACTED] arrived combative and aggressive, he was screaming and yelling and speaking incoherently. After sleeping, [REDACTED] awoke docile and cooperative. The physician thought [REDACTED] used a new designer or synthetic drug that does not show up on a tox screen.⁵⁶

d. Documentary Evidence

Event Query⁵⁷ showed police were called to [REDACTED] Drive at 9:47 pm. The Fire Department was contacted at 9:56 pm to assist the police department. The Fire Department ambulance was back in quarters after transporting [REDACTED] to the hospital at 12:02 am on August 1, 2016. The Police Department closed the incident at 3:24 am on August 1, 2016.

⁵⁵ Att. 21

⁵⁶ Att. 21 pgs. 6-7

⁵⁷ Att. 11

Non-Criminal Mental Health Transport Report # [REDACTED]⁵⁸ gives a synopsis of the encounter with [REDACTED]. The narrative reports the following: attempts to place [REDACTED] into the ambulance; his movements, including entry into the building; damage to the door; [REDACTED] being tasered; restraining him and his transportation to the hospital. The report includes the injuries to first responders. The report lists the members of CPD and CFD that were on the scene.

Sergeant [REDACTED] **Taser Download Report**⁵⁹ indicates the Taser was discharged on July 31, 2016, at 22:59:08, for a 4-second cycle. The taser was discharged again at 22:59:17 for a 5-second cycle. The Taser was connected to a USB port at 23:35:36.

Injury to City Employee Non-criminal Report # [REDACTED]⁶⁰ summarizes the injury sustained by Captain [REDACTED] of CFD.

Sergeant [REDACTED] **Tactical Response Report**⁶¹ under report # [REDACTED] designates [REDACTED] as an assailant. The narrative states the following: [REDACTED] was running into traffic with clenched fists, swinging his arms and kicking. [REDACTED] broke the building door, charged toward first-responders, and attempted to bite first-responders. [REDACTED] was continually swinging his arms and kicking.

Sergeant [REDACTED] **Officer Battery Report**⁶² under report # [REDACTED] listed the incident as a disturbance with a mental patient. The narrative stated the subject was irrational, possibly on PCP. There were 8 CFD members and 6 CPD members who attempted to subdue him to no avail. The subject was tasered twice.

The **Allied Barton Case Report**⁶³ from the building located at [REDACTED] Drive created by [REDACTED] identifies the damage to the building's door and identified witnesses.⁶⁴ The narrative states that as [REDACTED] was arriving for work, he saw [REDACTED] on the corner and [REDACTED] appeared to be drunk. After [REDACTED] clocked in, his coworker [REDACTED] told him about [REDACTED] being outside drunk. Flex officer [REDACTED] told [REDACTED] that he tried to talk to [REDACTED] to get him to go home, but to no avail. The police arrived followed by an ambulance and firetruck. [REDACTED] saw some residents running into the building, shortly after [REDACTED] entered the building wanting to be buzzed into the building. A police officer tried to put [REDACTED] in a choke hold but failed. [REDACTED] was tasered and handcuffed, placed on a stretcher and taken away in an ambulance.

The **Fire Department Report**⁶⁵ states [REDACTED] was agitated and not making sense when responding to questions. [REDACTED] ran into traffic, ran to a CTA bus trying to enter, and then ran into the high-rise building. Inside the building [REDACTED] was tasered twice, Versed was

⁵⁸ Att. 8

⁵⁹ Att. 9

⁶⁰ Att. 10

⁶¹ Att. 12

⁶² Att. 13

⁶³ Att. 14

⁶⁴ Information is based on the report from Allied Barton, the witnesses could not be located.

⁶⁵ Att. 16

administered and [REDACTED] was placed on a gurney and transported to Northwestern Hospital for an evaluation.

A **Federal Lawsuit** Case: [REDACTED] was filed on May 11, 2017 alleging violations of the 4th and 14th Amendment. The lawsuit was settled for \$10,000.

VI. ANALYSIS

a. Preponderance of the Evidence Standard

The standard of proof in administrative cases investigated by COPA is a preponderance of the evidence. A preponderance of evidence can be described as evidence that makes it more likely than not that the alleged misconduct took place. *See Avery v. State Farm Mutual Automobile Insurance Co.*, 216 Ill. 2d 100, 191 (2005) (a proposition is proved by a preponderance of the evidence when it has found to be more probably true than not). If the evidence gathered in an investigation establishes that it is more likely that the misconduct occurred than that it did not occur, even if by a narrow margin, then the standard of proof has been met.⁶⁶

b. Credibility Assessment of [REDACTED] and the Involved Officers

While some facts are consistent among the accounts of involved officers and [REDACTED] (e.g., where and when the incident occurred), other material facts are entirely divergent (e.g. [REDACTED] actions during the incident).

The credibility of an individual relies primarily on two factors: (1) the reliability of the individual's account and (2) the individual's truthfulness. Reliability relates to the individual's ability to accurately perceive the event at the time of the incident and then accurately recall the event from memory, while truthfulness relates to the honesty of individual making the statement. The fact that an individual is not reliable does not necessarily mean the individual is not truthful.

In the instant case, a preponderance of the evidence demonstrates that the involved officers are credible, and that [REDACTED] cannot provide a reliable account of the incident.⁶⁷

First, the involved officers accounts of the incident were consistent and materially corroborated by the accounts of the Chicago Fire Department paramedics and firemen.

Second, the involved officers accounts of the incident were materially corroborated by other evidence such as the surveillance footage, OEMC records, and [REDACTED] medical records whereas [REDACTED] account was inconsistent with other evidence.

Third, the toxicology report reflects that [REDACTED] was intoxicated during the incident.

c. Analysis of the Allegations

⁶⁶ In criminal cases the standard of proof is beyond a reasonable doubt, which is a significantly higher evidentiary standard than the preponderance of the evidence standard that applies to COPA's administrative findings.

⁶⁷ There is no evidence to demonstrate that [REDACTED] was dishonest (i.e. intentionally misrepresented the incident).

1. Sgt. ██████ did not violate CPD policy by tasing ██████

████████ appearance (e.g. glassy eyes) and actions (e.g. incoherent speech, running into the middle of the street) during the incident reasonably demonstrated that ██████ was incapacitated due to intoxication and that he needed medical assistance. Therefore, the involved officers were permitted to take ██████ into protective custody.⁶⁸ Moreover, while ██████ was not formally arrested, the officers had probable cause to arrest ██████ for various violations of state law and the Chicago municipal code.⁶⁹ Therefore, the involved officers were permitted to detain ██████ and to use objectively reasonable force, if reasonably necessary, to apprehend ██████

On the date of the incident, Department policy authorized the use of tasers against an active resister or an assailant.⁷⁰ An active resister is a person who attempts to create distance between himself or herself and the member's reach with the intent to avoid physical control and/or defeat the arrest.⁷¹ An assailant is a subject who is using or threatening the imminent use of force against himself/herself or another person.⁷²

The evidence demonstrates the following. CPD officers and CFD personnel on the scene attempted to get ██████ to voluntarily get into the ambulance, but that ██████ refused to comply. CPD officers on the scene attempted to use time and distance as a tactic for a significant period of time and that only *de minimis* force was used against ██████ until after ██████ fled from the officers into the building located at ██████ Drive. The CPD officers and CFD personnel continued to attempt to apprehend ██████ inside the building and ██████ continued to evade detention by creating distance between himself and the responding officers and CFD personnel. Therefore, ██████ was at least an active resister during the incident.

The Taser Download Report and surveillance footage corroborates Sgt. ██████ assertion that she tased ██████ twice.⁷³ Both of Sgt. ██████ taser discharges were objectively reasonable.

Sgt. ██████ first discharged her taser at ██████ when other officers were unable to control ██████ in the lobby after Sgt. ██████ had observed that the responding officers and CFD personnel were unable to apprehend ██████ through other means. Furthermore, ██████ actions in the revolving door demonstrated that ██████ posed a significant risk to himself and others.

Sgt. ██████ discharged a second cartridge at ██████ after ██████ continued to resist by removing the barbs from the first cartridge from his body. The evidence demonstrates that Sgt. ██████ stopped discharging her taser once ██████ fell to the ground.

⁶⁸ See Special Order S02-01-04 (effective July 4, 1992).

⁶⁹ See, e.g., 720 ILCS 5/26-1 (disorderly conduct).

⁷⁰ General Order G03-02-02 (effective January 1, 2016).

⁷¹ *Id.*

⁷² *Id.*

⁷³ ██████ alleged that Sgt. ██████ tased him four times.

For these reasons, COPA recommends a finding of **Exonerated** for Allegation #1 against Sgt. [REDACTED]

2. No officers stomped on [REDACTED] head, punched [REDACTED] kicked [REDACTED] or placed [REDACTED] in a chokehold

[REDACTED] alleges that unknown officers stomped on his head, punched him, kicked him, and placed him in a chokehold in the lobby of [REDACTED] Drive. [REDACTED] account is contradicted by the surveillance footage and [REDACTED] medical records. The surveillance footage clearly demonstrates that CPD officers and CFD personnel converged on [REDACTED] after he fell to the ground. However, the footage does not reflect any officer stomping on [REDACTED] head, punching [REDACTED] kicking [REDACTED] or using a chokehold on [REDACTED]⁷⁴ Moreover, [REDACTED] medical records do not reflect any physical injuries consistent with the officers stomping on [REDACTED] head, punching [REDACTED] kicking [REDACTED] or using a chokehold on [REDACTED]

For these reasons, COPA recommends a finding of **Unfounded** against the Unknown Officers.

VII. CONCLUSION

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

Allegation	Finding
Sergeant [REDACTED]	
1. Tasered [REDACTED] without justification in violation of Rules 2 and 9 and General Order U04-02-04, G03-02-04 and G03-02-02	Exonerated
Unknown Officers	
1. Stomped on [REDACTED] head in violation of Rules 2 and 9 and General Order G-3-02-02	Unfounded
2. Kicked [REDACTED] about the body in violation of Rules 2 and 9 and General Order G-3-02-02	Unfounded
3. Punched [REDACTED] on the left jaw in violation of Rules 2 and 9 and General Order G-3-02-02	Unfounded
4. Placed [REDACTED] in a chokehold in violation of Rules 2 and 9 and General Order G-3-02-02	Unfounded

⁷⁴ During an earlier portion of the incident, a CFD official grabbed [REDACTED] across the shoulder near [REDACTED]s neck area, but [REDACTED] broke free.

Approved:

██████████
Deputy Chief Investigator

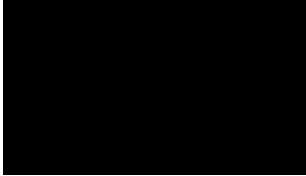
Date

Sydney Roberts
Chief Administrator

Date

Appendix A

Assigned Investigative Staff

Squad#:	7
Major Case Specialist	
Supervising Investigator:	
Deputy Chief Administrator:	