

**SUMMARY REPORT OF INVESTIGATION**

**I. EXECUTIVE SUMMARY**

Date of Incident:	April 10, 2018
Time of Incident:	9:15 a.m. to 9:45 a.m.
Location of Incident:	1000 CTA O’Hare Platform Street
Date of COPA Notification:	April 11, 2018
Time of COPA Notification:	4:44 p.m.

██████████ alleged, on April 10, 2018, Officers ██████████ and ██████████ used excessive force against him, and he received injury to his left middle finger.

**II. INVOLVED PARTIES**

Involved Officer #1:	██████████, star # ██████████, employee ID # ██████████, Date of Appointment: ██████████, 1996, Police Officer, Unit ██████████, DOB: ██████████, 1971, Male, White
Involved Officer #2:	██████████, employee ID # ██████████, Retired, Male, White
Involved Officer #3:	██████████, star # ██████████, employee ID # ██████████, Date of Appointment: ██████████, 1993, Police Officer, Unit ██████████, DOB: ██████████, 1968, Male, White
Involved Officer #4:	██████████, star # ██████████, employee ID # ██████████, Date of Appointment: ██████████, 1991, Police Officer, Unit ██████████, DOB: ██████████, 1956, Male, Hispanic
Involved Individual #1:	██████████, DOB: ██████████, 1947, Male, Black

**III. ALLEGATIONS**

Officer	Allegation	Finding
Officer ██████████	1. It is alleged that on April 10, 2018, at approximately 10:00 a.m., in the vicinity of the CTA O’Hare Blue Line Platform, accused Officer ██████████ grabbed ██████████ before entering an elevator.	Unfounded
	2. It is alleged that on April 10, 2018, at approximately 10:00 a.m., in the vicinity of the	Unfounded

	<p>CTA O’Hare Blue Line Platform, accused Officer [REDACTED] grabbed [REDACTED] head causing it to make contact with the elevator wall, while on the elevator.</p> <p>3. It is alleged that on April 10, 2018, at approximately 10:00 a.m., in the vicinity of the CTA O’Hare Blue Line Platform, accused Officer [REDACTED] took [REDACTED] to the ground, causing injury to [REDACTED] left middle finger, while exiting the elevator.</p>	<p>Unfounded</p>
<p>Officer [REDACTED]</p>	<p>1. It is alleged that on April 10, 2018, at approximately 10:00 a.m., in the vicinity of the CTA O’Hare Blue Line Platform, accused Officer [REDACTED] grabbed [REDACTED] before entering an elevator.</p> <p>2. It is alleged that on April 10, 2018, at approximately 10:00 a.m., in the vicinity of the CTA O’Hare Blue Line Platform, accused Officer [REDACTED] took [REDACTED] to the ground, causing injury to [REDACTED] left middle finger, while exiting the elevator.</p>	<p>Not Sustained</p> <p>Not Sustained</p>
<p>Officer [REDACTED]</p>	<p>1. It is alleged that on April 10, 2018, at approximately 10:00 a.m., in the vicinity of the CTA O’Hare Blue Line Platform, accused Officer [REDACTED] grabbed [REDACTED] before entering an elevator.</p> <p>2. It is alleged that on April 10, 2018, at approximately 10:00 a.m., in the vicinity of the CTA O’Hare Blue Line Platform, accused Officer [REDACTED] abbed [REDACTED] head causing it to make contact with the elevator wall, while on the elevator.</p> <p>3. It is alleged that on April 10, 2018, at approximately 10:00 a.m., in the vicinity of the CTA O’Hare Blue Line Platform, accused Officer [REDACTED] took [REDACTED] to the ground, causing injury to [REDACTED] left middle finger, while exiting the elevator.</p>	<p>Not Sustained</p> <p>Not Sustained</p> <p>Not Sustained</p>

#### IV. APPLICABLE RULES AND LAWS

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##### Rules

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1. Rule 6: Disobedience of an order or directive, whether written or oral.
  2. Rule 8: Disrespect to or maltreatment of any person, while on or off duty.
  3. Rule 9: Engaging in any unjustified verbal or physical altercation with any person.
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##### General Orders

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1. General Order G03-02
  2. General Order, G03-02-01
  3. General Order G03-02-02
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##### Special Orders

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1. Special Order S04-13-09

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

##### a. Interviews

##### 1. Civilian Interview

In an interview with COPA on April 11, 2018, ██████████ (“████████”) stated that in the morning, on April 10, 2018, he was at O’Hare Airport in the area where individuals can purchase food and watch television while they wait for their flight. ██████████ was there to watch current events on the television, when individuals, who he described as healthcare professionals and law enforcement, began following him. To avoid the individuals, ██████████ went into the sanctuary and read the bible until about 9:00 a.m. ██████████ left the sanctuary and took the escalator down to the Chicago Transit Authority (“CTA”) O’Hare platform. There, a black CTA officer chased ██████████ and told him to get on the train. But, ██████████ did not want to get on the train because he did not want to be placed in a situation where he was on the train with the individuals, who were previously, following him. In an attempt to avoid the CTA employee, ██████████ took the elevator up, but then went back down the escalator followed by two police officers.

On the platform, the officers told ██████████ that they were taking him because he would not get on the train. ██████████ did not know the names of the officers. ██████████ described one officer<sup>2</sup> as male, Mexican, in his upper forties, black and gray hair, and about the same height or slightly taller than the other officer. The other officer<sup>3</sup> was male, white, in his forties, with black hair. At around 9:15 a.m., Officers ██████████ and ██████████ grabbed ██████████, one on each arm, and took ██████████ into the

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<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> Now known as Officer ██████████.

<sup>3</sup> Now known as Officer ██████████.

elevator. In the elevator, Officer ██████ grabbed the back of ██████ head and slammed the right side of his head into the wall of the elevator. ██████ was a little dizzy from the hit, and he grabbed hold of the elevator railing. Officer ██████ pulled ██████ hand loose from the rail, and ██████ fell to the elevator floor. When the elevator door opened, Officers ██████ and ██████ grabbed ██████ by the arms and dragged him off the elevator. ██████ felt weak and fell to the ground. Officers ██████ and ██████ twisted his arm and jammed him in the ribs. ██████ pleaded with the officers to stop beating him, and ██████ believed the officers stopped because there was a crowd of people watching. Officers ██████ and ██████ yelled for him to get up, and ██████ complied. Then, Officers ██████ and ██████ put ██████ into a room, which he described as a small wire “cage”, located about seventy-five feet away from the elevator.

While in the room, Officers ██████ and ██████ told ██████ to remove his coat and sit down. Officers ██████ and ██████ searched the coat and, over ██████ protest, confiscated two pocket knives. ██████ stated that another gentleman in street clothes entered the room, which ██████ described as a white, male with blondish hair, taller than the other officers but still shorter than ██████, fit, and in his late forties to early fifties.<sup>4</sup> Officer ██████ took ██████ ID and left the room. ██████ believed Officer ██████ ran his name because Officer ██████ returned telling ██████ he had a warrant in ██████. At around 9:45 a.m., Officers ██████ and ██████, without explanation or giving ██████ any papers, let ██████ get on the train to go home.

████████ went to the hospital in ██████ for injuries resulting from being knocked down on the concrete. ██████ hit his left middle finger when he fell. The finger was described as swollen, bruised, and discolored. ██████ stated that the hospital personnel removed fluid from his finger and gave him pills for pain and infection. ██████, further, described pain he felt in his kidney, his rib cage and across his shoulder.<sup>5</sup>

## 2. Police Officers

In an **interview with COPA**, on May 29, 2018, **Officer ██████, #█████**, (“Officer ██████”) stated, on April 10, 2018, he was working, in plain clothes, on patrol with his partner Officer ██████. His partner received a cell phone call from a mass transit officer about a disturbance. Officers ██████ and ██████ relocated. Officers ██████ and ██████, assigned to mass transit, were inside a holding cell with ██████. Officer ██████ asked ██████ for his ID. Officers ██████ and ██████ ran ██████ name. Officers ██████ and ██████ completed the Investigative Stop Report, based on the information received from Officer ██████ and ██████, because they ran the name check. Officer ██████ did not observe any injury on ██████. ██████ was angry, yelling and screaming, but he did not complain of injury.<sup>6</sup>

In an **interview with COPA**, on July 9, 2018, **Officer ██████** (“Officer ██████”), #█████, after reviewing the Attendance and Assignment record,<sup>7</sup> stated, on April 10, 2018, he was working in uniform with his partner Officer ██████, assigned the O’Hare Blue Line terminal. Officer ██████ did not recall any incident with ██████ on the date and time in question. Officer ██████ denied all allegations. Officer ██████ stated that if what was alleged happened,

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<sup>4</sup> Now known as Officer ██████.

<sup>5</sup> Attachment 5.

<sup>6</sup> Attachment 23.

<sup>7</sup> Attachment 25.

█████ would have been arrested. Officer █████ stated he did not recall Officer █████ using any force against █████.

After reviewing the Evidence Technician photographs, Officer █████ recognized █████ from the train the morning of the interview, and as someone who regularly goes to the chapel at O'Hare. If Officer █████ had to detain an individual, under normal circumstances, he would use the escalator to escort the individual to a holding area, unless civilians were on the staircase or escalator.<sup>8</sup>

In an interview with COPA, on July 9, 2018, Officer █████ (“Officer █████”), #█████, stated, on April 10, 2018, he was working with Officer █████, in uniform, assigned a fixed post at O'Hare Blue Line. Officer █████ recognized █████ from an encounter the morning of this interview, but could not recall any other incident with █████, including the incident in question. Officer █████ denied all allegations. Officer █████ stated he does not escort individuals on the elevator because it is a close space. Officer █████ stated that if he had to put his hands on an individual that individual would go to jail.

Later in the interview, Officer █████ stated he had called Officer █████ prior to the incident with █████ to get coffee. Officer █████ recalled Officer █████ showing up in the holding area where █████ was located, asking █████ for his ID and running a name check. Officer █████ was unclear of the circumstances that brought █████ to the holding area. He was also unsure as to whether he talked to █████. Officer █████ did not recall any other details.<sup>9</sup>

#### b. Digital Evidence

The **video surveillance footage** obtained from the **Chicago Transit Authority** did not capture any incident where an officer used force. The video does show Officers █████ and █████ and other plain clothed officers interacting with civilians, without incident, in the unpaid area near the turnstiles of the train entrance.<sup>10</sup>

On April 16, 2018, **Evidence Technician Photographs** were taken, and show discoloration and injury to █████ middle finger.<sup>11</sup>

A **photo array** was conducted on August 1, 2018 to allow █████ the opportunity to identify officers involved in this incident. █████ was presented with three separate six photograph arrays. █████ identified Officer █████, photograph number 4 from the array marked 2. █████ stated that Officer █████ grabbed █████ left arm, dragged █████ onto the elevator and used his other hand to slam █████ head against the elevator wall. █████ did not identify any other officer.<sup>12</sup>

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<sup>8</sup> Attachment 36.

<sup>9</sup> Attachment 40.

<sup>10</sup> Attachment 11.

<sup>11</sup> Attachment 14.

<sup>12</sup> Attachments 46-49.

### c. Physical Evidence

**Medical Records from** ██████████ documented that ██████████ walked into the Facility's Emergency Department and admitted on April 10, 2018 at 10:59 a.m. The report indicated that ██████████ had pain to his left middle finger. The onset of the pain was noted as a "few weeks."<sup>13</sup> The report does not indicate the cause of the injury to the finger. There is no notation regarding an incident with police.<sup>14</sup>

### d. Documentary Evidence

An **Investigatory Stop Report ("ISR")**, completed by Officer ██████████, stated that ██████████ was involved in a disturbance on the CTA platform with CTA employees and citizens. ██████████ was loud and belligerent and refused to exit the train. The name check was clear. No complaints were wished. Officers escorted ██████████ to an outbound train.<sup>15</sup>

## VI. ANALYSIS

### a. Officer ██████████, #█████████

COPA finds Allegations #1-3 are **Unfounded**. After a review of the evidence Officer ██████████ and his partner responded to the holding area where they asked ██████████ for his ID and ran a name check. It is clear that Officer ██████████ was not present or identified as one of the officers that engaged in a physical altercation with ██████████. Therefore, the allegations made against Officer ██████████ are **Unfounded**.

### b. Officer ██████████

COPA finds the allegation that Officer ██████████ grabbed ██████████ before entering an elevator is **NOT SUSTAINED**. According to General Order ("GO") 03-02-01, the Chicago Police Department utilizes a Use of Force Model to provide guidance on the appropriate amount of force to be used to effect a lawful purpose. The model may progress from member presence to the application of deadly force. The primary objective of the use of force is to ensure control of a subject with the reasonable force necessary based on the totality of the circumstances. Department members must escalate or de-escalate the amount of force which is reasonably necessary to overcome the subject's resistance and to gain control over the subject. The question is whether the officers' actions are 'objectively reasonable' in light of the facts and circumstances confronting them, without regard to their underlying intent or motivation.<sup>16</sup>

██████████ stated that Officers ██████████ and ██████████ grabbed him by his arms and took him onto the elevator. Officers ██████████ and ██████████ did not recall this incident. However, both officers did not believe they escorted ██████████ in the elevator, but instead would have escorted him on the escalator per common practice. The officers could not say whether ██████████ was resisting them in any way,

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<sup>13</sup> Attachment 24, page 21.

<sup>14</sup> Attachment 24.

<sup>15</sup> Attachment 13.

<sup>16</sup> *Graham v. Connor*, 490 U.S. 386, 397 (1989); see *Estate of Phillips v. City of Milwaukee*, 123 F.3d 586, 592 (7th Cir. 2003).

but they denied using any force. The Investigatory Stop Report (“ISR”) completed only described ██████ being escorted to the outbound train after the name check.

Based on the foregoing, Officers ██████ and ██████ did encounter ██████ on this day, however, there is insufficient evidence to determine, by a preponderance of the evidence, that Officer ██████ grabbed ██████ before entering an elevator. Therefore, this allegation is **Not Sustained**.

COPA finds the allegation that Officer ██████ took ██████ to the ground, causing injury to ██████ left middle finger, while exiting the elevator is **NOT SUSTAINED**. As indicated above, GO 03-02-01, provides guidance on the appropriate amount of force to be used to effect a lawful purpose. The question is whether the officers' actions are ‘objectively reasonable’ in light of the facts and circumstances confronting them, without regard to their underlying intent or motivation.<sup>17</sup>

██████ stated Officers ██████ and ██████ dragged him off of the elevator and knocked him down on the concrete floor causing injury to his left middle finger. Officers ██████ and ██████ did not recall this incident. The officers could not say whether ██████ was resisting them in any way, but they denied using any force. There are no witness statements or video to corroborate the incident as described by ██████ or the officers. There are no Department reports describing this interaction between ██████ and Officers ██████ and ██████. When ██████ went to the hospital the same day, medical records noted the onset of the pain in his left middle finger was a “few weeks”. The medical records do not indicate ██████ injury was a result of a physical altercation with police officers or a fall that day.

Based on the foregoing, there is insufficient evidence to determine, by a preponderance of the evidence, that Officer ██████ took ██████ to the ground, or that ██████ injury was due to any action taken by Officer ██████, while exiting the elevator. Therefore, this allegation is **Not Sustained**.

**c. Officer ██████**

COPA finds the allegation that Officer ██████ grabbed ██████ before entering an elevator is **NOT SUSTAINED**, as discussed above.

COPA finds the allegation that Officer ██████ grabbed ██████ head causing it to make contact with the elevator wall, while on the elevator is **NOT SUSTAINED**. As indicated above, GO 03-02-01, provides guidance on the appropriate amount of force to be used to effect a lawful purpose. The question is whether the officers' actions are ‘objectively reasonable’ in light of the facts and circumstances confronting them, without regard to their underlying intent or motivation.<sup>18</sup>

██████ stated that Officer ██████ grabbed the back of his head and slammed the right side of his head into the wall of the elevator. ██████ did not recall this incident. Officer ██████ denied

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<sup>17</sup> Graham v. Connor, 490 U.S. 386, 397 (1989); see Estate of Phillips v. City of Milwaukee, 123 F.3d 586, 592 (7th Cir. 2003).

<sup>18</sup> Graham v. Connor, 490 U.S. 386, 397 (1989); see Estate of Phillips v. City of Milwaukee, 123 F.3d 586, 592 (7th Cir. 2003).

the allegation. Both Officers █████ and █████ did not believe they escorted █████ in the elevator but instead would have used the escalator. Officer █████ did not recall seeing Officer █████ use force against █████. There are no witness statements or video to corroborate the incident as described by █████ or the officers. There are no Department reports describing this interaction between █████ and Officers █████ and █████.

Based on the foregoing, there is insufficient evidence to determine, by a preponderance of the evidence, that Officer █████ grabbed █████ head causing it to make contact with the elevator wall, while on the elevator. Therefore, this allegation is **Not Sustained**.

COPA finds the allegation that Officer █████ took █████ to the ground, causing injury to █████ left middle finger, while exiting the elevator is **NOT SUSTAINED**, as discussed above.

**VII. CONCLUSION**

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

Officer	Allegation	Finding
Officer █████	1. It is alleged that on April 10, 2018, at approximately 10:00 a.m., in the vicinity of the CTA O’Hare Blue Line Platform, accused Officer █████ grabbed █████ before entering an elevator.  2. It is alleged that on April 10, 2018, at approximately 10:00 a.m., in the vicinity of the CTA O’Hare Blue Line Platform, accused Officer █████ grabbed █████ head causing it to make contact with the elevator wall, while on the elevator.  3. It is alleged that on April 10, 2018, at approximately 10:00 a.m., in the vicinity of the CTA O’Hare Blue Line Platform, accused Officer █████ took █████ to the ground, causing injury to █████ left middle finger, while exiting the elevator.	Unfounded  Unfounded  Unfounded
Officer █████	1. It is alleged that on April 10, 2018, at approximately 10:00 a.m., in the vicinity of the CTA O’Hare Blue Line Platform, accused Officer █████ grabbed █████ before entering an elevator.  2. It is alleged that on April 10, 2018, at approximately 10:00 a.m., in the vicinity of the CTA O’Hare Blue Line Platform, accused Officer █████ took █████ to the ground,	Not Sustained  Not Sustained



	causing injury to [REDACTED] left middle finger, while exiting the elevator.	
Officer [REDACTED]	<p>1. It is alleged that on April 10, 2018, at approximately 10:00 a.m., in the vicinity of the CTA O'Hare Blue Line Platform, accused Officer [REDACTED] grabbed [REDACTED] before entering an elevator.</p> <p>2. It is alleged that on April 10, 2018, at approximately 10:00 a.m., in the vicinity of the CTA O'Hare Blue Line Platform, accused Officer [REDACTED] grabbed [REDACTED] head causing it to make contact with the elevator wall, while on the elevator.</p> <p>3. It is alleged that on April 10, 2018, at approximately 10:00 a.m., in the vicinity of the CTA O'Hare Blue Line Platform, accused Officer [REDACTED] took [REDACTED] to the ground, causing injury to [REDACTED] left middle finger, while exiting the elevator.</p>	<p>Not Sustained</p> <p>Not Sustained</p> <p>Not Sustained</p>

Approved:

[REDACTED]

January 27, 2019

\_\_\_\_\_  
 [REDACTED]  
 Deputy Chief Administrator – Chief Investigator

\_\_\_\_\_  
 Date

Appendix A

Assigned Investigative Staff

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