

SUMMARY REPORT OF INVESTIGATION¹

Date/Time/Location of Incident:	May 22, 2016, at approximately 2:30 a.m., at or near [REDACTED]
Date/Time of COPA Notification:	May 22, 2016, at approximately 7:05 a.m.
Involved Officer #1:	[REDACTED], Star: # [REDACTED], Employee ID: # [REDACTED], DOA: [REDACTED], 2014, DOB: [REDACTED], 1989, Police Officer, Unit of Assignment: [REDACTED] District, Male, White
Involved Individual #1:	[REDACTED], DOB: [REDACTED], 1979, Male, Black
Case Type:	Excessive Force

I. ALLEGATIONS²

Officer	Allegation	Finding
Officer [REDACTED]	[REDACTED] alleged that on May 22, 2016, at approximately 2:35 a.m., at or near [REDACTED], [REDACTED], Officer [REDACTED] committed misconduct through the following acts or omissions: 1. Used excessive force against [REDACTED], including but not limited to, pushing [REDACTED] into a cement wall.	Exonerated

II. SUMMARY OF EVIDENCE³

On May 22, 2016, at approximately 2:30 a.m., the complainant, [REDACTED] (“[REDACTED]”) was arrested. After [REDACTED]’ arrest, Chicago Police Department (“CPD”) Officers [REDACTED] (“[REDACTED]”) and [REDACTED] (“[REDACTED]”) transported [REDACTED] to the [REDACTED]th District for processing.

¹ On September 15, 2017, the Civilian Office of Police Accountability (COPA) replaced the Independent Police Review Authority (IPRA) as the civilian oversight agency of the Chicago Police Department. Therefore, this investigation, which began under IPRA, was transferred to COPA on September 15, 2017, and the recommendation(s) set forth herein are the recommendation(s) of COPA.

² Formal allegations were not served on [REDACTED].

³A full and complete investigation was completed in this matter. Including the interview of all pertinent civilian and officer witnesses, the collection and review of digital, documentary, and forensic evidence. As part of COPA’s ongoing efforts to increase case closure capacity, certain cases opened under IPRA are summarized more succinctly in a Modified Summary Report of Investigation.

Upon arrival at the [REDACTED] District, Officers [REDACTED] and [REDACTED] pulled their vehicle into the sally port and removed [REDACTED] from the vehicle. Officer [REDACTED] then forcefully escorted [REDACTED] into the [REDACTED] District station.

We found a video recording that captured the incident to be most compelling. Multiple [REDACTED] District cameras captured Officer [REDACTED] and [REDACTED] arrival with [REDACTED].⁴ Shortly after entering the sally port, Officers [REDACTED] and [REDACTED] removed [REDACTED] from the backseat of their vehicle. During this time, [REDACTED] did not appear to willingly exit the vehicle. In response, the officers grabbed [REDACTED] and removed him from the vehicle. Once out of the vehicle, [REDACTED] appeared to pull away from the officers as they attempted to control [REDACTED] body movement. Officer [REDACTED] then escorted [REDACTED] towards a door, both struggled with each other as they proceeded – [REDACTED] held onto [REDACTED] with both hands and physically directed [REDACTED] as he moved his body around to resist [REDACTED] direction. Almost to the door, and still struggling with each other, [REDACTED] pushed [REDACTED] against a cement wall. Once against the wall, [REDACTED] body movements stabilized, Officer [REDACTED] achieved greater control, and the officer continued to direct [REDACTED] towards and through the door.

Equally important, during his interview with investigators, [REDACTED] described himself as intoxicated during his arrest, upset that he was arrested, and that he pulled away from the officers as they removed him from the vehicle and escorted him towards the door. Additionally, photos of [REDACTED] taken soon after the incident did not capture any apparent injuries. [REDACTED] described his injury as non-apparent, and that he only had some discomfort to the side of his head near his eye.

III. ANALYSIS AND CONCLUSION

Allegations

[REDACTED] alleged that on May 22, 2016, at approximately 2:35 a.m., at or near [REDACTED], Officer [REDACTED] committed misconduct through the following acts or omissions:

- 1.) Used excessive force against [REDACTED], including but not limited to, pushing [REDACTED] into a cement wall.

Application of CPD's Polices/Rules

CPD policy permits officers to use force against an active resister.⁵ An individual is considered an active resister when they attempt to create distance between them and the officer with the intent to avoid physical control or defeat arrest. When considering our Summary of Evidence as factually true by a preponderance, we find that [REDACTED] actions of pulling away from Officer [REDACTED] and resisting movement towards the door as an attempt to avoid the officer's physical control. Therefore, we find Officer [REDACTED] use of force – the forceful direction towards the door and the pushing of [REDACTED] against the cement wall to stabilize [REDACTED] body and achieve greater control – to be permissible under CPD's use of force policy. Furthermore, the force used did not

⁴ Audio was not captured.

⁵ Force Options, General Order G03-02-02, effective 01/01/2016 though 10/15/2017.

result in any apparent injury to [REDACTED], which suggests that the force used was measured and proportional. Accordingly, we have reached a finding of exonerated for the allegation against Officer [REDACTED].

Approved:

Deputy Chief Administrator – Chief Investigator

Date

Appendix A

Assigned Investigative Staff

Squad#:	[REDACTED]
Investigator:	[REDACTED]
Supervising Investigator:	[REDACTED]
Deputy Chief Administrator:	[REDACTED]