

SUMMARY REPORT OF INVESTIGATION¹

Date/Time/Location of Incident:	June 23, 2014; 4:47 p.m.; 3019 W. Peterson Avenue
Date/Time of COPA Notification:	August 5, 2016; 9:58 p.m.
Involved Officer #1:	██████████ star# ██████ employee ID# ██████ Date of Appointment: ██████ 2000; Sergeant; ² Unit of Assignment: ██████ District; Date of Birth: ██████ 1976; Male; White.
Involved Officer #2:	██████████ star# ██████ employee ID# ██████ Date of Appointment: ██████ 2003; Sergeant; Unit of Assignment: ██████ District; Date of Birth: ██████ 1970; Male; Hispanic.
Involved Individual #1:	██████████ 1954; Male; White.
Case Type:	Excessive Force

I. ALLEGATIONS

Officer	Allegation	Finding
Sergeant ██████	1. It is alleged that Sgt. ██████ grabbed ██████ wrists and pulled his arms behind his back, in violation of Rule 8.	Exonerated
	2. It is alleged that Sgt. ██████ violently shook ██████ right arm, in violation of Rule 8.	Unfounded
	3. It is alleged that Sgt. ██████ falsely arrested ██████ in violation of Rule 2.	Exonerated
Sergeant ██████	1. It is alleged that Sgt. ██████ grabbed ██████ wrists and pulled his arms behind his back, in violation of Rule 8.	Exonerated
	2. It is alleged that Sgt. ██████ gouged his thumbs into ██████ left arm, in violation of Rule 8.	Exonerated
	3. It is alleged that Sgt. ██████ told ██████ he would break his other arm, in violation of Rule 8.	Unfounded

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 Both Sgt. ██████ and Sgt. ██████ were Police Officers at the time of this incident. This report will refer to them by their current title.

4. It is alleged that Sgt. ██████ slammed his fist onto ██████ elbow, in violation of Rule 8.	Unfounded
5. It is alleged that Sgt. ██████ falsely arrested ██████ in violation of Rule 2.	Exonerated

II. SUMMARY OF EVIDENCE³

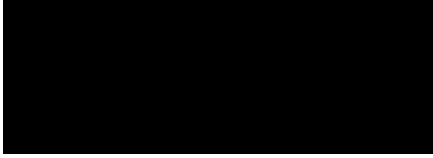
██████ was arrested following an incident at a Walgreens. ██████ had visited numerous pharmacies on the date of the incident in an attempt to fill a prescription but was repeatedly told that he was not due for a refill yet. He caused a disturbance, refused to leave the store, and poked the manager in the chest. When Sgt. ██████ and Sgt. ██████ responded to the Walgreens employees’ calls for service, ██████ again refused to leave, pulled away from them, swung his arms, stiffened, dropped his body weight, and twisted his body to avoid physical control. Sgt. ██████ and Sgt. ██████ performed a wristlock, and a takedown/emergency handcuffing in order to take ██████ into custody. Sgt. ██████ also employed an armbars technique. Sgt. ██████ and Sgt. ██████ properly documented their physical contact with ██████ in Tactical Response Reports. ██████ injured his elbow during the struggle and complained of pain. Chicago Fire Department transported ██████ to the hospital, where ██████ was diagnosed with left elbow dislocation (no fracture). In his deposition testimony, ██████ stated that he never pulled away from the officers or resisted arrest, but Walgreens employees ██████ corroborated the officers’ accounts that ██████ resisted them by jerking his body, pulling away, tensing up, and refusing to place his hands behind his back. Additionally, both witnesses denied observing the involved officers use excessive force. Walgreens security cameras also depict an apparent struggle when the officers attempted to handcuff ██████

III. ANALYSIS AND CONCLUSION

██████ alleged that Sgt. ██████ and Sgt. ██████ used excessive force during his arrest and arrested him without justification. According to General Order G03-02-02 in effect at the time of this incident, titled “Force Options,” an active resister is a “person whose actions attempt to create distance between that person and the member’s reach with the intent to avoid physical control and/or defeat the arrest. This type of resistance includes gestures ranging from evasive movement of the arm, through flailing arms, to full flight by running.” Moreover, the same order provides a variety of force options available to a Department member when confronting an active resister. Such options include open-hand strike, takedown/emergency handcuffing, OC spray and Taser. Because COPA finds that ██████ was an active resister at the time of this incident, COPA also finds that the force Sgt. ██████ and Sgt. ██████ used against ██████ was appropriate. Additionally, COPA finds that the officers had sufficient evidence to arrest ██████ and charge him with Battery, Criminal Trespass, and Resisting/Obstructing an Officer. There is clear and convincing evidence in this case to prove that the officers’ conduct was reasonable and proportional. Therefore, all allegations in this case are **Exonerated and Unfounded**.

³COPA conducted a full and complete investigation of this matter, including the interview of all pertinent civilian and officer witnesses, and 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, pursuant to COPA Guideline Modified Summary Report of Investigation Template and Approvals, effective February 13, 2019.

Approved:



March 7, 2019

Andrea Kersten
Deputy Chief Administrator – Chief Investigator

Date

Appendix A

Assigned Investigative Staff

Squad#:	█
Investigator:	████████████████████
Supervising Investigator:	████████████████████ █
Deputy Chief Administrator:	Andrea Kersten, █