

SUMMARY REPORT OF INVESTIGATION

I. EXECUTIVE SUMMARY

Date of Incident:	July 27, 2018
Time of Incident	Approximately 11:13 p.m.
Location of Incident:	██████████ Chicago, Illinois
Date of COPA Notification:	October 16, 2018
Time of COPA Notification	2:29 p.m.

An unarmed, off-duty officer approached an individual who was behaving strangely outside of the officer’s residence. The individual then threw an object at the officer and fled on foot. The officer gave chase and apprehended the individual after a struggle. The individual alleges false arrest and excessive force. COPA has determined that the arrest was justified, that the officer’s use of force was objectively reasonable, necessary, and proportional, and that, therefore, the individual’s allegations are exonerated.

II. INVOLVED PARTIES

Involved Officer #1:	██████████ Star# ██████ Employee ID# ██████ Date of Appointment: ██████ 2015; Rank: Police Officer; Unit of Assignment: ██████ DOB: ██████ 1987, F/WWH
Involved Individual #1:	██████████ DOB: ██████ 1984, F/W

III. ALLEGATIONS

Officer	Allegation	Finding
Officer ██████	1. On July 27, 2018, at approximately 11:13 p.m., at ██████ ██████ Chicago, Illinois, you falsely arrested the Complainant.	Exonerated
	2. At the above time and place, you used excessive force in effecting the Complainant’s arrest.	Exonerated

IV. APPLICABLE RULES AND LAWS

Rules

1. Rule 1, CPD Rules of Conduct (prohibiting violation of any law).
 2. Rule 8, CPD Rules of Conduct (prohibiting maltreatment, on or off duty)
 3. Rule 9, CPD Rules of Conduct (prohibiting unjustified altercation, on or off duty).
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General Orders

1. G03-02, Use of Force (Effective October 16, 2017)
 2. G03-02-01, Force Options (Effective October 16, 2017)
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Federal Laws

1. U.S. Constitution, Fourth Amendment
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State Laws

1. 720 ILCS 5/7-5
2. 720 ILCS 5/12-1(a)

V. INVESTIGATION¹

a. Interviews

██████████
██████████ gave an Audio-recorded Interview on November 1, 2018.² The following is a non-verbatim summary of the material things stated by ██████████ during that interview.

██████████ stated that at the time in question she was walking near the intersection of Newcastle and Byron Streets in Chicago, carrying a plate of liver and a small bottle of vodka. ██████████ stated that at the time she intended to sprinkle vodka on the meat and then to leave the meat on the ground as part of a religious offering ceremony that she had been regularly conducting since her childhood. According to ██████████ she had previously conducted such ceremonies in the recent past nearby. ██████████ stated that a woman (now known to be Officer ██████████) then appeared and began to scream, repeatedly, "What are you doing?" ██████████ said that she became afraid of Officer ██████████ that she ran from Officer ██████████ and that Officer ██████████ gave chase. ██████████ further stated that she threw the plate of meat at Officer ██████████ as the two of them ran. According to ██████████ Officer ██████████ caught her, tackled her to the ground, pulled her hair, and kneed her in the back. ██████████ stated that she tried to escape

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

²Attachment 16 is an audio recording of that interview.

from Officer ██████ but she denied striking Officer ██████ denied that Officer ██████ identified herself as a police officer until after uniformed CPD officers arrived at the scene.

Officer ██████

Officer ██████ gave an Audio-recorded Statement on December 19, 2018.³ The following is a non-verbatim summary of the material things stated by Officer ██████ during that statement.

Officer ██████ stated that on several occasions prior to the incident she had retrieved discarded raw meat and liquor bottles on the front lawn of her residence, and she provided COPA with photographs purporting to show those items.⁴ At the time of the incident, Officer ██████ was inside her residence when she noticed ██████ standing in or near the parkway in front of the residence. Officer ██████ then went outside and asked ██████ to explain what she was doing. Officer ██████ was unarmed. ██████ then walked away, and Officer ██████ followed. ██████ then threw raw meat at Officer ██████ and Officer ██████ tackled her. A physical struggle that lasted approximately ten minutes then ensued. At the beginning of the struggle Officer ██████ was atop ██████ who was on the ground, face up. During the struggle, ██████ struck Officer ██████ with a small liquor bottle, and Officer ██████ responded by striking ██████ in the face with a closed fist, causing ██████ to drop the liquor bottle, which Officer ██████ then threw away. ██████ then attempted to bite Officer ██████ and ██████ struck Officer ██████ in the face with a cell phone. Officer ██████ responded by striking ██████ with a closed fist. ██████ then tried to strangle Officer ██████. All the while, Officer ██████ was yelling for ██████ to stop, that she was a police officer, and for someone to call the police. A neighbor known to Officer ██████ as ██████ then arrived. ██████ then told ██████ that Officer ██████ was a police officer. Eventually, the struggle ended as both ██████ that Officer ██████ got to their knees, with each holding the other's hair. Responding CPD officers then arrived.

██████████

██████████ gave an Audio/Video Recorded Interview on January 14, 2019.⁶ The following is a non-verbatim summary of the material things stated by ██████ during that interview.

At the time of the incident, ██████ was visiting an acquaintance who resided at ██████ ██████ Chicago, Illinois. He was a frequent visitor to that residence, and he was familiar with Officer ██████ at the time, having known Officer ██████ as a neighbor of the acquaintance for approximately one year. His relationship with Officer ██████ was friendly.

██████████ first observed the incident from the front door of his acquaintance's residence, from where he could see Officer ██████ and ██████ struggling on the ground several houses

³Attachments 41 and 42 comprise an audio recording of that statement. Attachment 48 is a transcript.

⁴Attachments 32 – 40 are copies of those photographs.

⁵COPA subsequently determined that ██████ was ██████

⁶ Attachment 47 is an audio recording of that interview.

away. [REDACTED] went to the struggle, where he observed Officer [REDACTED] grasping [REDACTED] from the side with a leg lock as [REDACTED] clawed at Officer [REDACTED] face and pulled on Officer [REDACTED] hair. [REDACTED] then heard Officer [REDACTED] tell [REDACTED] to settle down, identifying herself as a police officer. [REDACTED] then told [REDACTED] to stop, also telling [REDACTED] that Officer [REDACTED] was a police officer, which [REDACTED] knew because he had seen Officer [REDACTED] come or go in uniform from her own residence on Newcastle Avenue. [REDACTED] then reached down and grabbed hold of [REDACTED] arms, after which [REDACTED] released her grip on Officer [REDACTED] hair. Officer [REDACTED] and [REDACTED] then stopped struggling, and each stood up. [REDACTED] did not observe Officer [REDACTED] strike or kick [REDACTED]. He stated that Officer [REDACTED] displayed calmness throughout the incident, and further, that he did not believe that Officer [REDACTED] had done anything wrong.

b. Digital Evidence

Body-Worn Camera

COPA reviewed approximately two hours of Body-Worn Camera [“BWC”] footage captured by eleven CPD members who responded to the incident, as well as video footage captured by an in-car camera.⁷ None of that footage depicts the struggle between Officer [REDACTED] and [REDACTED]. The following is a general description of the pertinent matters depicted by that footage.

The footage depicts [REDACTED] standing on a City sidewalk among responding CPD officers, adjacent to what appears to be a piece of meat on the sidewalk. [REDACTED] is in no apparent distress. [REDACTED] speaks to those officers, claiming, among other things that Officer [REDACTED] choked her. The footage also depicts one of the officers interviewing Officer [REDACTED] who is in civilian clothing. Officer [REDACTED] then relates that she asked [REDACTED] what she was doing and that [REDACTED] then threw a piece of meat at her face. Officer [REDACTED] tells the officers that she grabbed [REDACTED] that the two of them went to the ground, and that [REDACTED] then hit her in the head with a bottle of vodka approximately ten to twenty times. Officer [REDACTED] then tells the officers that she pinned [REDACTED] to the ground and told an onlooker to call 911. Officer [REDACTED] then tells the officers that [REDACTED] struck her in the head with a cell phone approximately ten times while pinned to the ground. [REDACTED] stands nearby. The footage also shows CPD members taking [REDACTED] into custody and transporting her to a CPD facility, where [REDACTED] makes a claim of stomach injury upon arrival. The footage then shows CPD members transporting [REDACTED] to a hospital.

c. Documentary Evidence

Medical Records

[REDACTED] provided COPA with copies of certain **Medical Records**.⁸ Records provided by [REDACTED] show that [REDACTED] arrived at Presence Resurrection Medical Center [“PRMC”] at 12:24 a.m. on July 28, 2018 and that she was discharged at 2:03 a.m. Among other things, those records also show that [REDACTED] then complained of neck pain, headache, and suprapubic pain,

⁷Attachment 26 is an itemization of that evidence.

⁸Attachment 11.

but that she declined a neck x-ray, stating that her symptoms were “not that severe,” and that she declined a pelvic examination. Those records also indicate that no facial contusions or signs of trauma were observed. The records also show that PRMC staff prescribed acetaminophen, diagnosing ██████████ as having suffered an abdominal wall contusion, a right thumb contusion, and toe contusions.⁹ Records relating a subsequent July 31, 2018 medical examination document eye swelling, skin discoloration to ██████████ forehead, a fingernail impression under Putiatynska’s chin, tenderness to touch throughout ██████████ body, and that ██████████ neck extension was significantly limited by pain. Imaging records show that ██████████ submitted to brain and cervical spine MRI testing on September 10, 2018 which revealed no abnormalities except for evidence of joint disease.

VI. ANALYSIS

COPA has determined ██████████ allegations to be exonerated.

Allegation #1 is that Officer ██████████ falsely arrested ██████████ admission that she threw an object at Officer ██████████ contradicts the allegation and renders it false. That conduct provided Officer ██████████ with probable cause to arrest ██████████ as it presented Officer ██████████ with reason to believe that ██████████ had committed the offense of assault.¹⁰ Allegation #1 is therefore exonerated.

Allegation #2 is that Officer ██████████ used excessive force in effecting ██████████ arrest. ██████████ independent eye witness account runs counter to the allegation. That account supports Officer ██████████ claim that ██████████ resisted arrest, and it persuasively suggests that Officer ██████████ was restrained in using force to effect it, using no more force than was required, and defending herself in the process. BWC footage depicting ██████████ immediately after the incident, showing her to be in no apparent distress, as well as medical records demonstrating that ██████████ did not incur significant injury also suggest that the force used by Officer ██████████ was not excessive. Based on that evidence, COPA has determined that Officer ██████████ use of force in effecting ██████████ arrest was objectively reasonable, necessary, and proportional, and that, therefore, Officer ██████████ use of force (1) did not violate Fourth Amendment prohibitions against unreasonable seizures,¹¹ (2) was justified under state law,¹² and (3) was permissible under CPD directives in effect.¹³ Allegation #2 is therefore also exonerated.

⁹*Id.*, p. 16.

¹⁰720 ILCS 5/12-1(a) provides that “[a] person commits an assault when, without lawful authority, he or she knowingly engages in conduct which places another in reasonable apprehension of receiving a battery.”

¹¹The Fourth Amendment prohibits police officers from making unreasonable seizures, including arrests effected through the use of excessive force. *Graham v. Connor*, 490 U.S. 386 (1989). Whether a police officer’s use of force in effecting an arrest was an unreasonable seizure for Fourth Amendment purposes depends upon whether that force was “objectively reasonable.” *Id.*, 490 U.S. at 397. That “objectively reasonable” standard “requires careful attention to the facts and circumstances of each particular case, including the severity of the crime at issue, whether the suspect poses an immediate threat to the safety of the officers or others, and whether he is actively resisting arrest or attempting to evade arrest by flight.” *Id.*, 490 U.S. at 396.

¹² The applicable state statute provides, in part, that a police officer is “justified in the use of any force which he reasonably believes to be necessary to effect [an] arrest and of any force which he reasonably believes to be necessary to defend himself or another from bodily harm while making the arrest.” 720 ILCS 5/7-5.

¹³CPD directives in effect expressly authorized CPD members to direct an actively resisting arrestee to the ground in order to limit physical resistance, to prevent escape, or to increase the potential for controlling the arrestee, provided

CONCLUSION

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

Officer	Allegation	Finding
Officer [REDACTED]	1. On July 27, 2018, at approximately 11:13 a.m., at [REDACTED] Chicago, Illinois, you falsely arrested the Complainant.	Exonerated
	2. At the above time and place, you used excessive force in effecting the Complainant’s arrest.	Exonerated

Approved:

[REDACTED SIGNATURE]

March 6, 2019

 Andrea Kersten
 Deputy Chief Administrator – Chief Investigator

 Date

that such a use of force was “objectively reasonable, necessary, and proportional.” See CPD General Order G03-02, Use of Force (Effective October 16, 2017), Section III.B; CPD General Order G03-02-01, Force Options (Effective October 16, 2017), Section IV.B.2

Appendix A

Assigned Investigative Staff

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