

SUMMARY REPORT OF INVESTIGATION

I. EXECUTIVE SUMMARY

Date of Incident:	July 11, 2018
Time of Incident:	9:18 am
Location of Incident:	2452 W. Belmont Ave., Chicago, IL 60618
Date of COPA Notification:	July 11, 2018
Time of COPA Notification:	10:23 am

On July 11, 2018, [REDACTED] ([REDACTED] was returned to the [REDACTED] District Lockup after the Cook County Sherriff’s Office refused to accept him at the domestic violence courthouse. CPD officers searched [REDACTED] when he arrived back at the [REDACTED] District’s lockup. While being searched, [REDACTED] resisted, and officers performed an emergency takedown on [REDACTED] continued to resist and was eventually lifted and taken into a cell. After [REDACTED] was placed in the cell he continued to resist and Sgt. [REDACTED] (“Sgt. [REDACTED] Star [REDACTED] kicked [REDACTED] in the head. COPA subsequently received a Crime Prevention and Information Center (“CPIC”) preliminary notification of an extraordinary occurrence in the [REDACTED] District’s lockup.

II. INVOLVED PARTIES

Involved Officer #1:	[REDACTED] Star # [REDACTED] Employee ID # [REDACTED], Date of Appointment: [REDACTED] 1995, Sergeant of Police, Unit [REDACTED] – District [REDACTED] DOB: [REDACTED] 1972, Male, White
Involved Officer #2:	[REDACTED] [REDACTED] Star # [REDACTED] Employee ID # [REDACTED] Date of Appointment: [REDACTED] 1997, Police Officer, Unit [REDACTED] – District [REDACTED] DOB: [REDACTED] 1963, Male, Black
Involved Officer #3:	[REDACTED] [REDACTED] Star # [REDACTED] Employee ID # [REDACTED] Date of Appointment: [REDACTED] 2005, Police Officer, Unit [REDACTED] – District [REDACTED] DOB: [REDACTED] 1979, Male, Black
Involved Individual #1:	[REDACTED] [REDACTED] DOB: [REDACTED] 1987, Male, White

III. ALLEGATIONS

Officer	Allegation	Finding/Recommendation
██████████	1. It is alleged that on July 11, 2018, at 2542 W. Belmont Ave., Chicago, IL 60618, Sgt. ██████████ unnecessarily kicked ██████████ about the head in violation of Rule 2 and Rule 10 of the Chicago Police Department Rules of Conduct.	Sustained/Written Reprimand

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 6:** Disobedience of an order or directive, whether written or oral.
3. **Rule 10:** Inattention to duty.

General Orders

1. **GO 01-01 Mission Statement and Core Values**
1. **GO 03-02 Use of Force**
2. **GO 03-02-01 Force Options**
4. **GO 06-01 Processing Persons under Department Control**

V. INVESTIGATION¹

a. Interviews

Sergeant of Police ██████████ # ██████████ ("Sgt. ██████████) gave a digitally recorded interview to COPA on November 14, 2018. Sgt. ██████████ stated that he was working as the desk sergeant at the ██████████ District on July 11, 2018. Sgt. ██████████ stated Officer ██████████ ("Officer ██████████) Star # ██████████ and Officer ██████████ ("Officer ██████████) Star

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

[REDACTED] were in the processing room with him.² Sgt. [REDACTED] stated that he had a conversation with [REDACTED] in the processing room of the [REDACTED] District lockup. Sgt. [REDACTED] also stated that [REDACTED] was searched when he was returned from domestic court. Sgt. [REDACTED] stated that [REDACTED] relayed to him that he needed medication, and that he just wanted to go to court. Sgt. [REDACTED] then stated that he told [REDACTED] that it was too late to return to court and that he would have to wait, at which point [REDACTED] became irate by slapping the processing room counter and flailing his arms. Sgt. [REDACTED] stated he and other officers tried to talk to [REDACTED] after he became irate. Sgt. [REDACTED] stated he and other officers attempted to escort [REDACTED] to a holding cell, but [REDACTED] moved his hands and attempted to defeat the officers' attempts to move him. Sgt. [REDACTED] further stated that he and other officers then brought [REDACTED] to the ground to gain compliance and handcuff [REDACTED]. Sgt. [REDACTED] stated that while on the ground, [REDACTED] continued to be combative with the officers by rolling around and pulling officers' hands. He further stated that [REDACTED] became an assailant by attempting to bite him and Officer [REDACTED] numerous times. Sgt. [REDACTED] stated he delivered forearm strikes to [REDACTED] head to defeat [REDACTED] attempted bites to his arm. Sgt. [REDACTED] then stated several Cook County Sheriff's Deputies came over and assisted him and other officers in subduing [REDACTED].

Sgt. [REDACTED] stated that [REDACTED] was eventually double handcuffed, and that [REDACTED] had more mobility than he would have had with a single handcuff. Sgt. [REDACTED] stated [REDACTED] was still combative by kicking his legs at the officers while the officers were carrying him into a cell. Sgt. [REDACTED] then stated [REDACTED] attempted to kick him in the cell, but he did not recall if he was struck by [REDACTED] or if any other officers were struck. Sgt. [REDACTED] stated that in the cell, [REDACTED] attempted to grab at Sgt. [REDACTED] leg with both of his arms when Sgt. [REDACTED] tried to kick [REDACTED] arms away. Sgt. [REDACTED] stated that [REDACTED] was moving while trying to grab at his legs, and he accidentally struck [REDACTED] about the head with his kick. Sgt. [REDACTED] stated he intended to defeat [REDACTED] attempt to grab him rather than kick [REDACTED] about the head.³

b. Digital Evidence

POD Video #8929 captures the alleged incident. The video begins at 9:14 am on July 11, 2018. The video depicts [REDACTED] standing in the processing area of the [REDACTED] District lockup facing Sgt. [REDACTED] and Officer [REDACTED] while Officer [REDACTED] searches [REDACTED]. The video then depicts [REDACTED] talking to the officers. At 9:17:41, the video depicts [REDACTED] placing his arms up as Sgt. [REDACTED] and Officer [REDACTED] grab each of [REDACTED] arms. The video then depicts [REDACTED] moving his arms and bracing away from the officers. The officers then bring [REDACTED] to the ground, and [REDACTED] flails his arms and legs, striking the officers. The video depicts [REDACTED] try to bite Officer [REDACTED] when Sgt. [REDACTED] flips [REDACTED] over onto his stomach. The video depicts the officers attempting to place [REDACTED] into handcuffs, by holding his arms back. The video depicts [REDACTED] free one of his arms and attempt to grab Sgt. [REDACTED]. The video then depicts [REDACTED] rolling back onto his back, where he attempts to bite Sgt. [REDACTED] about the arm multiple times. The video shows Sgt. [REDACTED] delivering three forearm strikes about [REDACTED] face as he continues to try and bite Sgt. [REDACTED] arm. The video then shows two Cook County Sheriff's Deputies come over to [REDACTED].

² [REDACTED] was in the custody of the [REDACTED] District after an arrest for Domestic Battery and Possession of a Controlled Substance.

³ Attachment 10

and assist the officers in placing ██████ in handcuffs. The video shows another officer come over and hold ██████ legs. The video shows ██████ eventually placed into handcuffs and lifted off the ground by officers and carried to a cell, where he continues to kick his legs and flail his arms.

Another view, **Pod #8922**, shows ██████ being carried into a cell by officers. The view shows ██████ kicking and flailing his arms and legs while the officers are holding him. ██████ can be seen kicking and attempting to bite the officers while they carry him into his cell. The video shows the officers drop ██████ in the cell, when he then appears to kick at Sgt. ██████. The video appears to show Sgt. ██████ being struck by ██████ kick, as Sgt. ██████ jerks backwards. The video then shows Sgt. ██████ kick ██████ in the head. The video then shows officers removing handcuffs from ██████ and the officers leave the cell while ██████ lays on the cell floor. The video shows the officers leaving the cell room at 9:21 am. At 10:40, officers return to ██████ cell, handcuff him, and sit him up right on the cell bench. The video then shows at CFD paramedics arrive at 10:41 and check ██████. The video shows the paramedics talking to ██████ and pull his hair back to check the back of his head. The video then shows the paramedics place ██████ in a chair and wheel him out of his cell. The video shows all officers and paramedics leave the cell area at 10:45 am.⁴

c. **Documentary Evidence**

An **Email containing a Preliminary Notification** from the Crime Prevention and Information Center to COPA initiated the investigation. The Notification lists the subject as a lockup incident, with the location of 2452 W. Belmont / ██████ District. The Notification lists the time as 9:18 am. The Notification states that an arrestee became combative in the ██████ District lockup. The Notification further stated that a Sergeant and officers performed an emergency take down, Tactical Response Reports were completed, and there were no injuries to report at that time.⁵

An **Arrest Report**, CB # ██████ details ██████ arrest.

An **Original Case Incident Report**, RD # ██████ documents the extraordinary occurrence. The report notes the violation as 0454 – Battery – Agg Po Hands No/Min Injury with the occurrence location listed as 2452 W. Belmont Ave., Chicago, IL, and the occurrence date and time listed as 11 July 2018 at 9:18 am. The report lists the suspect as ██████. The report narrative states that ██████ was returned to ██████ Lockup after he was denied by the Cook County Sheriff's Office. The narrative continues and states that ██████ told Chicago Police Officers that he needed medications for a medical condition. The narrative then states that ██████ refused to be searched by moving his body, and swinging his arms in a combative manner at officers. The narrative states that officers used de-escalation techniques and ██████ refused to comply. The narrative continues and states that officers and Sgt. ██████ used take down procedures to try to gain control of ██████. The narrative then states that ██████ attempted to bite Sgt. ██████ and Officer ██████ numerous times all while refusing to be handcuffed. The narrative states that forearm strikes were used on ██████. The narrative then states that ██████ was

⁴ Attachment 25

⁵ Attachment 24

handcuffed and brought to cell block 5-3 when he kicked and grabbed at Sgt. [REDACTED] legs. The narrative then stated that Sgt. [REDACTED] used a kick to defeat an assault from [REDACTED]. The report lists Sgt. [REDACTED] and Officer [REDACTED] as victims, and Officer [REDACTED] as a witness.⁸

A **Tactical Response Report (“TRR”) completed by Sgt. [REDACTED]** documents his use of force against [REDACTED]. The TRR lists the date of the incident as July 11th, 2018 and the time as 9:18 am. The TRR lists the address of the occurrence as 2452 W. Belmont Ave., Chicago, IL 60618. The TRR lists the subject as [REDACTED]. The TRR lists [REDACTED] actions as “Did Not Follow Verbal Direction,” “Pulled Away,” “Imminent Threat of Battery – No Weapon,” “Physical Attack without a weapon,” and the physical attacks were marked as “hand/arm/elbow strike,” and “mouth/teeth/spit.” Sgt. [REDACTED] actions are listed as “Member Presence,” “De-escalation,” “Wristlock,” “Emergency Handcuffing,” “Kicks” and “Other.” The TRR states that [REDACTED] appeared apparently normal, was offered EMS, and he was taken to Illinois Masonic. The TRR also contains a statement from [REDACTED] regarding the use of force which states, “Subject related he was ‘scared’ when asked why he fought with the police. Subject related he did not remember what happened. Subject did not elaborate any further.” The lieutenant’s comments portion of the TRR states that the reviewing lieutenant, Lt. [REDACTED] # [REDACTED] reviewed the lockup videos of the incident and observed [REDACTED] attempting to bite, grab and kick CPD members in the processing area of the lock up. The comments then state that Sgt. [REDACTED] defeated the bite attempts with forearm strikes, and [REDACTED] was handcuffed and moved to a cell where he continued to kick at CPD members which was defeated by a kick by Sgt. [REDACTED].⁹

A **TRR completed by Officer [REDACTED]** documents his use of force against [REDACTED]. The TRR lists the date of the incident as July 11th, 2018 and the time as 9:15 am. The TRR lists the address of the occurrence as 2452 W. Belmont Ave., Chicago, IL 60618. The TRR lists the subject as [REDACTED]. The TRR lists [REDACTED] actions as “Did Not Follow Verbal Direction,” “Stiffened (Dead Weight),” “Pulled Away,” “Imminent Threat of Battery – No Weapon,” and “Used Force Likely To Cause Death Or Great Bodily Harm.” Officer [REDACTED] actions are listed as “Member Presence,” “Verbal Direction/Control Techniques,” “Movement to Avoid Attack,” “Emergency Handcuffing,” “Take down,” “Escort Holds,” and “Wristlock.” The TRR states that [REDACTED] appeared apparently normal, was offered EMS, and he was taken to Illinois Masonic. The TRR also contains a statement from [REDACTED] regarding the use of force which states, “Subject related he was ‘scared’ when asked why he fought with the police. Subject related he did not remember what happened. Subject did not elaborate any further.” The lieutenant’s comments portion of the TRR states that the reviewing lieutenant, Lt. [REDACTED] # [REDACTED] reviewed the lockup videos of the incident and observed [REDACTED] attempting to bite, grab and kick CPD members in the processing area of the lock up. The comments then state that Sgt. [REDACTED] defeated the bite attempts with forearm strikes, and [REDACTED] was handcuffed and moved to a cell where he continued to kick at CPD members which was defeated by a kick by Sgt. [REDACTED].¹⁰

An **Injury on Duty Report** documents Sgt. [REDACTED] injury from the alleged incident. The report lists the employee as [REDACTED]. The report states that while attempting to

⁸ Attachment 16

⁹ Attachment 17

¹⁰ Attachment 18

process ██████ in lockup, ██████ became combative and attempted to bite Sgt. ██████ after being taken to the ground in emergency handcuffing technique. The report then states Sgt. ██████ right ankle became trapped under a person while attempting to control offender. The report further states Sgt. ██████ felt pain in said ankle and Sgt. ██████ felt additional soreness to his right ankle after striking ██████ in response to assault on him.¹¹

An Illinois Department of Corrections **Report of Extraordinary or Unusual Occurrences** documents the alleged incident that involved a detainee. The Report states that the alleged incident occurred at ██████ lockup, located at 2452 W. Belmont Ave., Chicago, IL. The Report lists the time and date of occurrence as July 11th, 2018, at 9:18 am. The Report lists the detainee involved as ██████. The Report lists Sgt. ██████ as the reporting officer. The Report lists the principal cause of occurrence as, "Above subject became combative when returned to ██████ District from dom. Court as a refusal. Above became combative and attempted to bite Sgt. ██████ and P.O. ██████. Offender also attempted to kick R/Sgt after being carried into cell." The Report lists further details, in that ██████ refused to comply with processing procedures and attempted to bite Sgt. ██████ and Officer ██████ after emergency handcuffing. The Report also states that at 9:19 am, ██████ attempted to kick Sgt. ██████ when he was placed in a cell.¹²

A **Witness Report** completed by Officer ██████ and addressed to ██████ District Commander ██████ details what Officer ██████ saw. In the report, Officer ██████ wrote that he searched ██████ while working in lockup. Officer ██████ then wrote that while searching ██████ became irate and verbally combative. Officer ██████ wrote that officers attempted to de-escalate the situation using verbal tactics. Officer ██████ wrote that as officers were attempting to take ██████ back to his holding cell, he again became irate and was non-compliant as he refused to go back into the holding cell and would not let officers gain control of him. Officer ██████ then wrote that officers used holding techniques on ██████ legs, and while he was holding ██████ legs he heard Officer ██████ state, "don't try & bite me." Officer ██████ wrote that ██████ did not react to officers' verbal direction to stop resisting, and ██████ was handcuffed by Sgt. ██████ and Officer ██████. Officer ██████ wrote that officers had to physically lift ██████ up and carry him to the holding cell, when he started kicking his legs and kicked Sgt. ██████ about the leg area. Officer ██████ then wrote that Sgt. ██████ kicked ██████ about the torso area when ██████ kicked him.¹³

A Chicago Fire Department **Incident Report** documents paramedics' evaluation of ██████. The report states that ██████ was found sitting in a jail cell awake. The report states that the ██████ mumbled answers to the paramedics' questions. The report continues and states that ██████ did not recall events prior and he felt tired. The report states that a CPD Sergeant reported that ██████ struggled with them after returning from court at around 9:15 am that day. The report states that ██████ was struck once in the back-left side of his head. The report states that ██████ hands were

¹¹ Attachment 19

¹² Attachment 20

¹³ Attachment 21

cuffed behind his back and his legs were shackled. The report then states that [REDACTED] was released to staff without incident.¹⁴

VI. ANALYSIS

COPA recommends a finding of **Sustained** for **Allegation #1** against Sgt. [REDACTED] that Sgt. [REDACTED] unnecessarily kicked [REDACTED] about the head.

According to General Order GO 03-02-01, force is authorized when it is “objectively reasonable, necessary under the circumstances, and proportional to the threat, actions, and level of resistance offered by a subject. Members will continually assess the situation and determine: the authorized force option based on the totality of the circumstances; if the seriousness of the situation requires an immediate response or whether the member can employ other force options or the Force Mitigation Principles.”

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. General Order GO 03-02-01 also notes that Department members’ use of force is based on the totality of the circumstances known by the member at the time and from the perspective of a reasonable Department member on the scene, in the same or similar circumstances, without the benefit of 20/20 hindsight. GO 03-02-01 further notes that use of force situations can be tense, uncertain, and rapidly evolving. General Order 03-02 provides that Members must use de-escalation techniques such as the use of time and/or distance to prevent or reduce the need for force when it is safe and feasible to do so based on the totality of the circumstances.

GO 03-02-01 further characterizes a person “who is using or threatening the use of force against another person or himself/herself which is likely to cause physical injury” as an assailant. Assailants are subdivided into two categories. The first category is when the person’s “actions are aggressively offensive with or without weapons. This category of assailant may include a subject who is armed with a deadly weapon but whose actions do not constitute an imminent threat of death or great bodily harm.” Force options authorized on this type of assailant consist of direct mechanical technique such as punching or kicking. GO 03-02-01 defines direct mechanical techniques as being “forceful, concentrated striking movements, such as punching and kicking, or focused pressure strikes and pressures. These techniques can be combined with take-downs or pins against the ground or other objects.”

By all accounts, [REDACTED] actions placed him in the category of an assailant. This is verifiable by the video evidence which not only shows him struggling with officers including after he was placed in the cell. Specifically, [REDACTED] was still flailing his legs and kicking at the officers while on the ground. A direct mechanical strike is generally permitted against an assailant.

¹⁴ Attachment 23

However, Sgt. ██████ kick to ██████ head was objectively unreasonable based on the totality of the circumstances. Sgt. ██████ stated that he unintentionally kicked ██████ in the head and that he intended to kick ██████ arms away from his legs. The evidence demonstrates that Sgt. ██████ unnecessarily kicked ██████ about the head.¹⁸ Specifically, at the time Sgt. ██████ kicked ██████ about the head, ██████ was restrained in handcuffs, no longer attempting to bite the officers, and most importantly had already been placed fully inside the cell (i.e. the officers had accomplished their objective). A reasonable officer would have used time and distance to either remove himself from the cell thereby eliminating any threat posed by ██████ or taken proper measures to ensure that his kick struck his intended target, ██████ arms/torso. The video demonstrates that Sgt. ██████ kicked ██████ in an uncontrolled and careless fashion. Sgt. ██████ kicked ██████ at the top of his head, nowhere near Sgt. ██████ intended target of ██████ arms/torso even though ██████ movements were minimal. ██████ actions did not pose a serious, imminent threat of injury to Sgt. ██████ at the time of the kick (i.e. Sgt. ██████ had time to properly aim his kick). For these reasons, Sgt. ██████ kick to ██████ head was objectively unreasonable based on the totality of the circumstances.

VII. RECOMMENDED DISCIPLINE FOR SUSTAINED ALLEGATIONS

a. Sergeant ██████

i. Complimentary and Disciplinary History

Sergeant ██████ has received 100 Honorable Mentions, (5) Complimentary Letters, (4) Department Commendations, (2) Attendance Recognition Awards, (1) Democratic National Convention Award, Presidential Election Deployment Award, (1) Emblem of Recognition for Physical Fitness, (1) 2004 Crime Reduction Ribbon, (1) NATO Summit Service Award, (1) Crime Reduction Award, (1) Unit Meritorious Performance Award.

Sergeant ██████ has no disciplinary history.

ii. Recommended Penalty, by Allegation

Allegation No. 1

Sgt. ██████ unnecessarily kicked ██████ about the head in violation of Rule 2 and Rule 10. COPA recommends a **Written Reprimand**.

¹⁸ While there is no evidence that Sgt. ██████ intentionally kicked ██████ in his head that is only relevant to discipline and not to the finding of the propriety of the force used. COPA's disciplinary recommendation accounts for the fact that Sgt. ██████ did not intend to kick ██████ in his head.

VIII. CONCLUSION

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

1. It is alleged that on July 11, 2018, at 2542 W. Belmont Ave., Chicago, IL 60618, Sgt. [REDACTED] unnecessarily kicked [REDACTED] about the head.	Sustained/Written Reprimand
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Approved:

Angela Hearts-Glass
Deputy Chief Administrator

Date

Appendix A

Assigned Investigative Staff

Squad #:	█
Investigator:	██████████
Supervising Investigator:	██████████
Deputy Chief Administrator:	Angela Hearts-Glass