

SUMMARY REPORT OF INVESTIGATION<sup>1</sup>

Date/Time/Location of Incident:	September 2, 2015/ 7:51 pm / ██████████, Chicago
Date/Time of COPA Notification:	September 2, 2015 / 9:52 pm
Involved Officer #1:	██████████, Star # ██████, Date of Appointment: ██████, 2012; Police Officer, Unit ██████, Date of Birth: ██████, 1985, Male, Hispanic
Involved Officer #2:	██████████, Star ██████ Employee ID # ██████, Date of Appointment: ██████, 2013; Police Officer, Unit ██████, Date of Birth: ██████, 1986, Male, Hispanic
Involved Individual #1:	██████████, Date of Birth: ██████, 1984, Male, Black
Case Type:	Death in Custody

I. ALLEGATIONS

Officer	Allegation	Finding / Recommendation
	<p>It is alleged that on September 2, 2015, at approximately 1951 hours, at or about ██████ Avenue, Officer ██████:</p> <ol style="list-style-type: none"> <li>1) Dropped the decedent, ██████, to the ground, in violation of Rule 8;</li> <li>2) Kicked Mr. ██████ on the head, in violation of Rule 8; and</li> <li>3) “Threw” Mr. ██████ into the back of a squad car, in violation of Rule 8.</li> </ol> <p>It is alleged that on September 2, 2015, at approximately 1951 hours, at or about ██████ Avenue, Officer ██████:</p>	<p><b>Unfounded</b></p> <p><b>Unfounded</b></p> <p><b>Unfounded</b></p>

	<ol style="list-style-type: none"> <li>1) Dropped the decedent, [REDACTED], to the ground, in violation of Rule 8;</li> <li>2) Kicked Mr. [REDACTED] on the head, in violation of Rule 8; and</li> <li>3) “Threw” Mr. [REDACTED] into the back of a squad car, in violation of Rule 8.</li> </ol>	<p><b>Unfounded</b></p> <p><b>Unfounded</b></p> <p><b>Unfounded</b></p>
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**II. SUMMARY OF EVIDENCE<sup>2</sup>**

On September 2, 2015, Officers [REDACTED] and [REDACTED] observed a crowd of people gathered around a vehicle and approached the crowd to conduct a field interview. The decedent, now known as [REDACTED], fled. Officer [REDACTED] pursued Mr. [REDACTED] on foot and alerted dispatch of Mr. [REDACTED]’s direction of flight. Numerous officers responded to the scene and Officer [REDACTED] and Officer [REDACTED] subsequently found Mr. [REDACTED] hiding in the basement of [REDACTED]. Mr. [REDACTED] was handcuffed and Officers [REDACTED] and [REDACTED] escorted Mr. [REDACTED] to a squad car.

As the officers escorted Mr. [REDACTED], Mr. [REDACTED] was unstable on his feet and dropped to a knee. The officers allowed Mr. [REDACTED] to sit and catch his breath before helping him up. Officers [REDACTED] and [REDACTED] led Mr. [REDACTED] toward the front of the building at [REDACTED] and requested a transport vehicle with a security cage. While waiting for the transport car, Mr. [REDACTED] fell again to the ground. Officer [REDACTED] and Officer [REDACTED] assisted Mr. [REDACTED] into Officer [REDACTED] and Officer [REDACTED]’s squad car. Officer [REDACTED] told the transport officers that Mr. [REDACTED] stated that he had ingested “K2” referring to a synthetic marijuana. Officers [REDACTED] and [REDACTED] asked Mr. [REDACTED], who confirmed he had ingested “K2” but at that time did not complain of injury. As Officer [REDACTED] drove away, Mr. [REDACTED] became nonresponsive and Officer [REDACTED] stopped the car as Officer [REDACTED] called an ambulance to the scene. Officer [REDACTED] opened the squad door, removed the handcuffs and pulled Mr. [REDACTED] out of the car where she waited with him until the paramedics arrived. Paramedics transported Mr. [REDACTED] to Norwegian Hospital, where he later died.

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<sup>1</sup>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.

<sup>2</sup>COPA 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.

The complainant, Ms. [REDACTED], who does not personally know Mr. [REDACTED], asserted that she was an eye-witness to Mr. [REDACTED]'s apprehension, and alleged that unknown officers physically maltreated Mr. [REDACTED]. Several witnesses testified at deposition in the related civil trial claiming to have witnessed or heard accounts of others that witnessed Mr. [REDACTED] being dropped on his head by police.

Assistant Medical Examiner Dr. [REDACTED], opined that the manner of death was natural, caused by cardiac dysrhythmia. The recent physical exertion combined with bronchial asthma was a significant contributing factor. Dr. [REDACTED] further opined that "In addition to the small right main coronary artery ostium and myocardial bridging of the left anterior descending artery, cardiomegaly with left ventricular hypertrophy can also cause or predispose to a cardiac arrhythmia, leading to sudden death."

### III. ANALYSIS AND CONCLUSION

Multiple officers reported a consistent sequence of facts: [REDACTED] fled, he was found hiding, officers escorted him to a squad car where he began to show signs of fatigue. Based on [REDACTED]'s own report of having ingested a synthetic marijuana, the transporting officers immediately called for paramedics when Mr. [REDACTED] was nonresponsive. The Medical Examiner's report is additionally consistent with the officer's version of events. There is no credible evidence that Mr. [REDACTED] was dropped, kicked, thrown or otherwise maltreated. Therefore, all allegations against Officers [REDACTED] and [REDACTED] are unfounded.

Only inattention to serious injury (or signs of serious injury) amounts to a constitutional violation. *Davis v. Jones*, 936 F.2d 971, 972 (7th Cir.1991); *Martin*, 845 F.2d at 1457; *Matzker*, 748 F.2d at 1147 n. 3. Additionally, the courts have held that an objectively serious medical need is "one that has been diagnosed by a physician as mandating treatment or one that is so obvious that even a lay person would easily recognize the necessity for a doctor's attention." *Zentmyer v. Kendall County, Ill.*, 220 F.3d 805, 810 (7th Cir. 2000), citing *Gutierrez v. Peters*, 111 F.3d 1364, 1373 (7th Cir.1997) *Estelle v. Gamble* held "Deliberate indifference to serious medical needs of prisoners constitutes the "intentionally denying or delaying access to medical care..." 429 U.S. 97, 104 (1976).

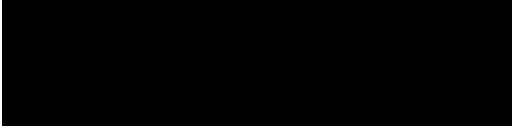
The evidence in this matter does not reflect that Mr. [REDACTED] was suffering from a sufficiently severe medical condition that would be objectively obvious to the officers present. There is no requirement for seeking medical attention for all persons who have acknowledged the use of an illegal substance. CPD General Order G04-01 IV(A)(1) states that the preliminary investigator on scene will render aid to the injured. Additionally, the Field Arrest procedures, General Order GO6-01-01 (X)(A)<sup>3</sup> states that in the event an arrestee requires medical care, the arrestee will be transported to the nearest approved facility. Obviously serious matters (e.g. gunshot wounds, extensive bleeding, obvious broken bones, etc.) will require an officer to immediately seek medical attention for a detainee. But here, the officers were confronted with indications of something less than normal behavior, (stumbling and slipping to the ground) but not obviously serious. Considering that Mr. [REDACTED] had just been involved in a chase, the officers' actions were reasonable. Therefore, COPA finds that the allegations against Officers [REDACTED] and [REDACTED] are unfounded.

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<sup>3</sup> The above-referenced General Orders were in effect on September 2, 2015.

Additionally, this investigation revealed no evidence of misconduct on the part of any Department members.

Approved:



July 29, 2019

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Andrea Kersten  
*Deputy Chief Administrator – Chief Investigator*

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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>	Andrea Kersten