

SUMMARY REPORT OF INVESTIGATION¹

Date/Time/Location of Incident:	July 9, 2016, 7:25 pm/ [REDACTED]
Date/Time of COPA Notification:	August 18, 2017/12:05 PM
Involved Officer #1:	[REDACTED], Star # [REDACTED], Employee ID # [REDACTED], Date of Appointment: [REDACTED], 1990, Commander of Police, [REDACTED] th District, Date of Birth: [REDACTED], 1966, Male, Hispanic
Involved Officer #2:	[REDACTED], Star # [REDACTED], Employee ID # [REDACTED], Date of Appointment: [REDACTED], 2002, Sergeant of Police, [REDACTED] th District, Date of Birth: [REDACTED], 1978, Male, White
Involved Officer #3:	[REDACTED] Star # [REDACTED], Employee ID # [REDACTED], Date of Appointment: [REDACTED], 1998, Police Officer, Unit [REDACTED] ([REDACTED] Section), Date of Birth: [REDACTED], 1968, Male, White
Involved Officer #4:	Officer [REDACTED], Star # [REDACTED], Employee ID # [REDACTED], Date of Appointment: [REDACTED], 1987, Police Officer, [REDACTED] th District, Date of Birth: <u>Unknown</u> , Male, Hispanic, Date of Separation: <u>Unknown</u> ²
Involved Officer #5:	Unknown, Male, White
Involved Individual #1:	[REDACTED], Date of Birth: [REDACTED], 1991, Male, White

I. ALLEGATIONS

Officer	Allegation	Finding / Recommendation
Commander [REDACTED]	1. Detained [REDACTED] without justification, in violation of Rule 3 and Rule 6.	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 Officer [REDACTED] is no longer employed by the Chicago Police Department and was therefore not ordered to COPA for an interview. A request to CPD for Officer [REDACTED]' separation details was met with negative results and CPD reported that this information is missing.

	<p>2. Struck [REDACTED] on or about the chest with your baton, in violation of Rule 6 and Rule 9.</p> <p>3. Struck [REDACTED] on or about the lip with your baton, in violation of Rule 6 and Rule 9.</p> <p>4. Struck [REDACTED] on or about the neck with your baton, in violation of Rule 6 and Rule 9.</p> <p>5. Caused [REDACTED] to fall to the ground without justification, in violation of Rule 6 and Rule 9.</p> <p>6. Failed to complete a Tactical Response Report (TRR), in violation of Rule 3 and Rule 6.</p>	<p>Unfounded</p> <p>Unfounded</p> <p>Unfounded</p> <p>Unfounded</p> <p>Exonerated</p>
<p>Sergeant [REDACTED]</p>	<p>1. Told [REDACTED] words to the effect of, "What are you doing here, white boy? This isn't the place for you," in violation of Rule 2, Rule 6, and Rule 8.</p> <p>2. Told [REDACTED] [REDACTED] words to the effect of, "Your college degree will be useless," in violation of Rule 2 and Rule 8.</p> <p>3. Told [REDACTED] words to the effect of, "You won't be able to find a job," in violation of Rule 2 and Rule 8.</p> <p>4. Told [REDACTED] he would be charged with a felony if he obtained medical treatment, in violation of Rule 2,</p> <p>5. Charged [REDACTED] with "Pedestrians to Exercise Due Care" without justification, in violation of Rule 6.</p>	<p>Not Sustained</p> <p>Not Sustained</p> <p>Not Sustained</p> <p>Not Sustained</p> <p>Exonerated</p>
<p>Officer [REDACTED]</p>	<p>1. Charged [REDACTED] [REDACTED] with "Pedestrians to Exercise Due Care" without justification, in violation of Rule 6.</p>	<p>Exonerated</p>
<p>Officer [REDACTED]</p>	<p>1. Refused to remove [REDACTED] [REDACTED]'s restraints for hospital staff, in violation of Rule 2 and Rule 8.</p>	<p>Not Sustained</p>

	2. Told hospital staff [REDACTED] was dangerous, in violation of Rule 2 and Rule 8.	Not Sustained
Unknown	1. Called [REDACTED] [REDACTED] a “nigger lover,” in violation of Rule 2, Rule 6, and Rule 8.	Not Sustained

II. SUMMARY OF EVIDENCE³

Complainant [REDACTED] [REDACTED] attended a protest on Michigan avenue where he approached a commotion between police and protestors to see if people were being arrested. [REDACTED] alleged that Commander [REDACTED] instructed him to disperse and after attempting to provide space, Commander [REDACTED] struck him in the face with a night stick three times, hit him in the chest, neck and lip, tripped [REDACTED] causing him to fall, then pushed his face forcefully into the ground. [REDACTED] further alleged an unknown officer made a racially insensitive comment, and [REDACTED] was arrested without justification.⁴ [REDACTED] further alleged that once at the [REDACTED]th District, an officer used a racial slur and Sergeant [REDACTED] insulted him.⁵ [REDACTED] was taken to the hospital for a facial laceration. [REDACTED] alleged that at the hospital, Officer [REDACTED] refused to remove his restraints and stated it was because [REDACTED] was dangerous. COPA’s findings are discussed in the Analysis portion of this report.

COPA determined that [REDACTED] [REDACTED] placed himself near a crowd that surrounded officers as they arrested [REDACTED] [REDACTED] and [REDACTED] [REDACTED]. Commander [REDACTED] was escorting [REDACTED] to the transport vehicles when he was surrounded by protestors. Officers began to block protestors from entering the street and ordered the protestors stay back. [REDACTED] moved toward the center of the crowd and [REDACTED] and the unknown Sergeant came face to face. The unknown sergeant pushed [REDACTED] back towards the crowd. Seconds later, [REDACTED] walked back toward the group of officers. The unknown sergeant engaged [REDACTED] who fell to the ground. Sergeant [REDACTED] and Officer [REDACTED] were instructed to arrest [REDACTED]. [REDACTED] sustained a laceration to his face during the course of the arrest and was treated t St. Mary of Nazereth

III. ANALYSIS AND CONCLUSIONS⁶

Allegations 1 – 5 against **Commander [REDACTED]**, that he detained [REDACTED]; struck [REDACTED]’s chest, lip, and neck with his baton; and caused [REDACTED] to fall, all without

³ 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.

⁴ Commander [REDACTED] was a captain at the time of [REDACTED]’s complaint.

⁵ Sergeant [REDACTED] was a police officer at the time of [REDACTED]’s complaint.

⁶ COPA conducted a thorough and complete investigation. The following is a summary of the material evidence gathered and relied upon in our analysis.

justification, are **Unfounded**. [REDACTED] adamantly and on numerous occasions asserted that Commander [REDACTED] was the Department member who confronted him and used force during the protest. Available evidence refutes [REDACTED]'s claim. Department reports, Lieutenant [REDACTED]'s COPA interview, and available video support that Commander [REDACTED] was in the squadrol when [REDACTED] was arrested on the street. As such, Commander [REDACTED] could not have detained [REDACTED], struck him with a baton, or caused [REDACTED] to fall and these allegations are Unfounded. Similarly, since COPA does not believe Commander [REDACTED] used any force against [REDACTED], a Tactical Response Report (TRR) was not required and **Allegation 6** against Commander [REDACTED] is **Exonerated**.

[REDACTED] asserted in his deposition, which was taken as part of a civil lawsuit that was filed regarding this incident, that Commander [REDACTED] was "the officer that struck me with the nightstick."⁷ [REDACTED] identified Commander [REDACTED] by photograph and in-person during the deposition. Moreover, in his deposition, [REDACTED] also related that he saw the last name "[REDACTED]" on his assailant's vest. In contrast, video evidence does show [REDACTED] having a face-to-face interaction with a supervising officer COPA believes to be a sergeant who was not wearing a vest seconds before [REDACTED] fell to the ground. However, COPA was unable to identify the unknown sergeant. Further, video evidence was unclear as to whether this individual struck [REDACTED] with a baton or caused [REDACTED] to fall.

Allegations 1, 2, 3, and 4 against Sergeant [REDACTED], that he insulted [REDACTED] and told [REDACTED] he would receive a felony charge if he obtained medical care, are all **Not Sustained**. Sergeant [REDACTED] denied making any of the comments or implying [REDACTED] would be charged with a felony if he requested medical care. COPA has two conflicting versions of what occurred, neither party is more credible than the other, therefore COPA lacks sufficient evidence to prove or disprove whether these allegations occurred.

Allegation 1 against Officer [REDACTED] and **Allegation 5** against Sergeant [REDACTED], that they charged [REDACTED] with "Pedestrians to Exercise Due Care" without justification is **Exonerated**. Per Officer [REDACTED] and Sergeant [REDACTED], they first saw [REDACTED] as he was falling to the ground and being detained. Officer [REDACTED] told COPA that Commander [REDACTED] ordered [REDACTED]'s arrest and Officer [REDACTED] recalled that he and Sergeant [REDACTED] took advice from either a supervisor or from legal staff regarding [REDACTED]'s criminal charge. Sergeant [REDACTED] also recalled a supervisor ordering [REDACTED]'s arrest. The video clearly shows officers attempting to create a perimeter. [REDACTED] admitted to being curious and can be seen moving toward the center of the crowd. [REDACTED] was physically moved back once before going back toward officers just before he was arrested. COPA finds the video is clear and convincing evidence that [REDACTED] disobeyed the lawful order not to enter the street, violated the verbal commands and was justifiably arrested. As such, these allegations are Exonerated.

Allegations 1 and 2 against Officer [REDACTED], that he refused to remove [REDACTED]'s restraints at the hospital and told hospital staff [REDACTED] is dangerous, are both **Not Sustained**. Officer [REDACTED] is currently retired from CPD and therefore could not be compelled to give COPA a statement. His partner, Officer [REDACTED], had no memory of [REDACTED] or taking [REDACTED]

⁷ Att. 12: Page 24, Lines 20 – 22.

to the hospital. Due to the lack of evidence, both allegations are Not Sustained against Officer [REDACTED].

Lastly, **Allegation 1** against the **unknown officer**, that he called [REDACTED] a “nigger love,” is **Not Sustained**. COPA was unable to determine who the accused was and was therefore unable to present the allegation and get a statement.

[REDACTED]

July 19, 2019

Andrea Kersten
Deputy Chief Administrator – Chief Investigator

Date

Appendix A

Assigned Investigative Staff

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