

SUMMARY REPORT OF INVESTIGATION¹

I. EXECUTIVE SUMMARY

Date of Incident:	July 12, 2016
Time of Incident:	9:15 AM
Location of Incident:	5620 S. Justine St. Chicago, IL 60636
Date of COPA Notification:	July 12, 2016
Time of COPA Notification:	10:36 PM

On July 12, 2016 at approximately 9:15 AM Officer [REDACTED] and Officer [REDACTED] observed a [REDACTED] utilizing an alley as a through street at or near the 5800 block of Aberdeen St. The officers attempted to curb the vehicle, but the vehicle fled. The officers gave chase and requested assistance from other units. The vehicle they were chasing eventually stopped in an empty lot at 5614 S. Laflin St. and the occupants, [REDACTED] and [REDACTED] fled on foot. Officer [REDACTED] and Officer [REDACTED] apprehended [REDACTED] after a brief foot chase. [REDACTED] was apprehended by Officer [REDACTED]. After [REDACTED] was in custody, he contended that a male black officer, who was referred to as “[REDACTED]”, struck him about the head with a radio, gouged his eyes, directed profanity against him, and threatened to kill him.

II. INVOLVED PARTIES

Involved Sergeant #1:	[REDACTED], Star #: [REDACTED] ² , Employee ID#: [REDACTED], Date of Appointment: [REDACTED], 1995, Sgt., Unit of Assignment: [REDACTED], Date of Birth: [REDACTED], 1969, Male, Black.
Involved Individual #1:	[REDACTED], Date of Birth: [REDACTED], 2002, Male, Black.

III. ALLEGATIONS

Officer	Allegation	Finding / Recommendation
Sergeant [REDACTED]	1. On or about July 12, 2016, at approximately, 9:15 am at or near 5620 S. Justine Street Chicago, IL, Sgt. [REDACTED] verbally threatened	Not Sustained

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 Subsequent to the start of this investigation, Sgt. [REDACTED] was stripped of police powers, in an unrelated matter. The date of his stripping of police powers was July 3, 2019.

	<p>██████████ in that he stated words to the effect, “Do you want to die?”, in violation of Rules 1, 2, 3, 6, 8, 9.</p> <p>2. On or about July 12, 2016, at approximately, 9:15 am at or near 5620 S. Justine Street Chicago, IL, Sgt. ██████████ verbally abused ██████████ in that he called ██████████ a “bitch”, in violation of Rules 2, 3, 8, 9.</p> <p>3. On or about July 12, 2016, at approximately, 9:15 am at or near 5620 S. Justine Street Chicago, IL, Sgt. ██████████ scratched the eyes of ██████████, without justification, in violation of Rules 1, 2, 3, 6, 8, 9, 10.</p> <p>4. On or about July 12, 2016, at approximately, 9:15 am at or near 5620 S. Justine Street Chicago, IL, Sgt. ██████████ struck ██████████, with a radio, without justification, in violation of Rules 1, 2, 3, 6, 8, 9, 10.</p>	<p>Not Sustained</p> <p>Not Sustained</p> <p>Not Sustained</p>
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IV. APPLICABLE RULES AND LAWS

Rules

1. Rule 1: Violation of any law or ordinance.
2. Rule 2: Any action or conduct which impedes the Department’s efforts to achieve its policy and goals or brings discredit upon the Department.
3. Rule 3: Any failure to promote the Department’s efforts to implement its policy or accomplish its goals.
4. Rule 6: Disobedience of an order or directive, whether written or oral.
5. Rule 8: Disrespect to or maltreatment of any person, while on or off duty.
6. Rule 9: Engaging in any unjustified verbal or physical altercation with any person while on or off duty.
7. Rule 10: Inattention to duty.

General Orders

1. Use of Force Guidelines – General Order G03-02 (Effective October 1, 2002).
2. The Use of Force Model – General Order G03-02-01 (Effective May 16, 2012).

3. Force Options – General Order G03-02-02 (Effective January 1, 2016).

Federal Laws

1. US Constitution, Fourth Amendment

State Laws

1. Illinois Constitution, Article I

V. INVESTIGATION³**a. Interviews**

On July 13, 2016 IPRA interviewed complainant ██████████.⁴ On July 12, 2016, Mr. ██████████ was walking with his brother, ██████████, when a vehicle drove up containing his friend,⁵ who asked if they wanted to get into said vehicle.⁶ They entered the vehicle⁷ and his friend informed him the vehicle was stolen.⁸ After driving for seven hours, they “hit [an] alley” and police⁹ then chased them, starting at Aberdeen St. and 58th St.¹⁰

During the chase his friend struck other vehicles and crashed.¹¹ After the crash, Mr. ██████████ and his brother got out of the vehicle and started to run; the police continued to chase.¹² Mr. ██████████ ran for a block before he was caught; his brother got away.¹³

The driving officer had pulled in front of Mr. ██████████ and Mr. ██████████ surrendered by getting down on the ground.¹⁴ A black male officer ran up to him and put his knees on Mr. ██████████ neck.¹⁵ Mr. ██████████ said, “I surrender.”¹⁶ The black male officer said, “Shut up, Bitch”.¹⁷ Mr. ██████████ stated the officer put handcuffs on him “super tight” and he then asked the officer to loosen the handcuffs;

³ COPA conducted a thorough and complete investigation. The following is a summary of the material evidence gathered and relied upon in our analysis.

⁴ Attachment 78.

⁵ Mr. ██████████ referred to him as ██████████; he did not know his full name. *Id.* at 5:30.

⁶ *Id.* 4:30. Mr. ██████████ referred to the vehicle as a ██████████. *Id.* at 4:56.

⁷ *Id.* 4:30. *See Also* Mr. ██████████ stated he entered the backseat and his brother entered the front passenger seat. *Id.* at 9:54.

⁸ *Id.* at 4:45, 5:00.

⁹ Mr. ██████████ described the driving police officer as a white male, bald, with tattoos of fire. *Id.* at 10:55. The other officer that was chasing him was described as a black male, 5’7”, medium weight, with a small afro, in a police vest, and regular clothes. *Id.* at 12:06. The black male officer was referred to as “█████████”; and Mr. ██████████ heard other officers call him ██████████. *Id.* at 12:45, 12:50. These were the only two police officers and their names were not on their vest. *Id.* at 18:07, 18:25.

¹⁰ *Id.* at 7:10, 8:20. Mr. ██████████ stated the police vehicle was unmarked and the lights and sirens were on. *Id.* at 9:30, 9:40.

¹¹ *Id.* at 9:50, 10:04.

¹² *Id.* at 10:09.

¹³ *Id.* at 10:10, 10:40. *Cf. Id.* at 18:25. (Mr. ██████████ later stated that “Blue and White” grabbed his brother). *See Also Id.* at 18:36, 18:55. (Mr. ██████████ stated his brother did not see what happened, but then also stated that his brother saw the officer grab him).

¹⁴ *Id.* at 13:05, 13:09.

¹⁵ *Id.* at 13:17.

¹⁶ *Id.* at 13:27.

¹⁷ *Id.* at 13:31.

the officer did not.¹⁸ Mr. █████ relayed that he could not feel his thumb, to the officer, and the officer said “shut up, Bitch, you are going to die.”¹⁹ Mr. █████ then asked for the handcuffs to be loosened again; the officer said, “Shut up before I hit you in the head with a walkie talkie.”²⁰ Mr. █████ asked the officer’s partner to loosen the cuffs.²¹ Mr. █████ was then hit.²²

When he was in handcuffs, the officer picked him up and scratched him in his eye,²³ digging his nails into Mr. █████ eyes.²⁴ Mr. █████ was placed inside a vehicle and the officer that had dug his nails into Mr. █████ eyes entered the back seat.²⁵ The officer hit him on the head with a black walkie-talkie.²⁶ Mr. █████ was struck on the right middle top part of his head, leaving a knot.²⁷ After Mr. █████ was struck on the head, Mr. █████ exclaimed, “my head, my head, my head”; the officer responded, “I don’t care, Bitch.”²⁸ The officer that struck him was referred to as “█████.”²⁹ He did not get the officer’s name and had never seen him before.³⁰ He was not given any medical attention, although his eye was bleeding.³¹ Additionally, Mr. █████ stated █████ █████, who was across the street, saw the police grab “us” and saw the officers scratch Mr. █████.³²

On March 29, 2019 COPA interviewed witness █████.³³ On July 12, 2016, Mr. █████ resided at █████.³⁴ He knew Mr. █████, as Mr. █████ older sister was Mr. █████ baby’s mother.³⁵ He described Mr. █████ as his brother and family.³⁶ On July 12, 2016, Mr. █████ was exiting his “homie’s house”³⁷ and observed Mr. █████ running; Mr. █████ told Mr. █████ that the police were trying to shoot him.³⁸

Mr. █████ then saw more than ten (10) police vehicles arrive, both unmarked and marked.³⁹ Mr. █████ was crossing Justine St., walking backwards from Mr. █████ with his hands up, as six (6) officers approached Mr. █████.⁴⁰

¹⁸ *Id.* at 13:43.

¹⁹ *Id.* at 14:05.

²⁰ *Id.* at 14:20.

²¹ *Id.* at 14:30.

²² *Id.* at 14:34.

²³ *Id.* at 14:42.

²⁴ *Id.* at 14:54.

²⁵ *Id.* at 14:40, 15:03.

²⁶ *Id.* at 15:25, 15:30.

²⁷ *Id.* at 17:13, 17:24.

²⁸ *Id.* at 16:25.

²⁹ *Id.* at 29:00. The officer was the black male officer, the same one, then threw him in the paddy wagon before being transported to the police station. *Id.* at 16:33.

³⁰ *Id.* at 17:55, 18:03.

³¹ *Id.* at 29:28, 29:38.

³² *Id.* at 21:20, 22:10.

³³ Attachment 38.

³⁴ *Id.* at 1:57.

³⁵ *Id.* at 2:30.

³⁶ *Id.* at 3:00.

³⁷ Mr. █████ referring to him as “█████.” *Id.* at 5:30.

³⁸ *Id.* at 3:50.

³⁹ *Id.* at 7:40.

⁴⁰ *Id.* at 8:55, 10:15 – 10:30. Mr. █████ provided the following regarding the description of the officers. Three or four officers were white, one officer was black, and the rest were Asian. *Id.* at 10:40 – 10:50. All the officers were male. *Id.* at 12:38. The officers were in plain clothes and uniforms. *Id.* at 10:55. The black officer was not in uniform, the white officer were not in uniform, and the Asian officer was in uniform. *Id.* at 12:40 – 12:55. The black officer

The first officer to make physical contact with Mr. [REDACTED] was a white officer who said to Mr. [REDACTED] to put his hands up.⁴¹ This officer drew his weapon and then holstered his weapon, before starting to “beat[]” him, elbow him, and tackle him.⁴² Mr. [REDACTED] was elbowed in the chin.⁴³ Mr. [REDACTED] hollered and the white officer slammed Mr. [REDACTED], picking him up off his feet and putting him on his back and his knee.⁴⁴ The officer put a knee in his back and face to the ground, causing scratches to Mr. [REDACTED] face.⁴⁵ Mr. [REDACTED] was placed in handcuff and as they are pinning him down, all six officers were on top of Mr. [REDACTED].⁴⁶ He remarked that the officer were “basically like beating him up.”⁴⁷ He stated he observed an Asian officer place his gun towards the head of Mr. [REDACTED].⁴⁸ Mr. [REDACTED] remained on the ground for fifteen (15) minutes.⁴⁹ He did not recall if he saw any officer punch Mr. [REDACTED] while he on was on the ground.⁵⁰ Two white officers lifted Mr. [REDACTED] up by his handcuffs.⁵¹ These two white officers also put Mr. [REDACTED] in the same vehicle, as Mr. [REDACTED].⁵² Mr. [REDACTED] observed Mr. [REDACTED] with scratches on his elbow, bloody nose, bloody lip, and a swollen lip.⁵³ He remained in the vehicle for five (5) minutes, until a white Sergeant removed him.⁵⁴

He did not recall if he heard any officers refer to someone as [REDACTED].⁵⁵ He did not remember if an officer hit Mr. [REDACTED] on the head, as they were piled on him and he could not see if Mr. [REDACTED] was hit on the head with a radio.⁵⁶ The first white officer did grab Mr. [REDACTED] face and slap him, as Mr. [REDACTED] was being put to the ground.⁵⁷ He did not hear any officers threaten to kill Mr. [REDACTED], but indicated that he was not close enough to hear anything.⁵⁸ He did not recall if he heard any officers say to Mr. [REDACTED] that he was going to die.⁵⁹ He did hear the white officer that slammed Mr. [REDACTED] to the ground, call him a “bitch ass nigger.”⁶⁰

On April 11, 2019 COPA interviewed Witness Officer [REDACTED].⁶¹ On July 12, 2016 he was working with Officer [REDACTED] and Sgt. [REDACTED].⁶² While on patrol with Officer [REDACTED] they came to Justine St. and observed a minivan driving in an alley which they subsequently

was muscular and had a basic vest. *Id.* at 13:35, 13:55. The white officer had basic vests. *Id.* at 13:55. All officers had their firearms out as well as a m16, semi-automatic. *Id.* at 12:00.

⁴¹ *Id.* at 14:08, 14:25.

⁴² *Id.* at 14:25.

⁴³ *Id.* at 15:40.

⁴⁴ *Id.* at 15:48, 15:55.

⁴⁵ *Id.* at 16:10, 16:15.

⁴⁶ *Id.* at 16:25, 17:25.

⁴⁷ *Id.* at 5:00.

⁴⁸ *Id.* at 17:50.

⁴⁹ *Id.* at 19:15.

⁵⁰ *Id.* at 19:30.

⁵¹ *Id.* at 19:50, 20:00.

⁵² *Id.* at 21:20, 25:07.

⁵³ *Id.*

⁵⁴ *Id.* at 25:27.

⁵⁵ *Id.* at 26:41.

⁵⁶ *Id.* at 26:49, 27:14.

⁵⁷ *Id.* at 27:53 – 28:28.

⁵⁸ *Id.* at 29:24.

⁵⁹ *Id.* at 29:38.

⁶⁰ *Id.* at 29:43.

⁶¹ Attachment 41.

⁶² *Id.* at 4:17, 10:30.

followed for ten (10) or twenty (20) seconds before attempting to curb the vehicle.⁶³ They activated their emergency lights and sirens, but the vehicle refused to pull over.⁶⁴ The officers then gave chase before this vehicle struck a parked car.⁶⁵

Two subjects then fled the vehicle on foot and the officers gave chase to the driver⁶⁶ before eventually catching him.⁶⁷ Officer [REDACTED] and Officer [REDACTED] gave chase to a black male and eventually placed him in custody.⁶⁸

He does not recall any black male officers on the scene.⁶⁹ He does not recall who placed the handcuffs on Mr. [REDACTED], nor who was present for the handcuffing.⁷⁰ He does not recall if Mr. [REDACTED] made any statements after being handcuffed.⁷¹ He did not hear anyone call Mr. [REDACTED] a “Bitch”⁷², he did not hear anyone tell Mr. [REDACTED] that he was going to die⁷³, he did not observe any officer scratch the eyes of Mr. [REDACTED]⁷⁴, and he did not observe any officer, including Sgt. [REDACTED], strike Mr. [REDACTED] on the head with a radio.⁷⁵ He does not recall if Mr. [REDACTED] complained of injury.⁷⁶

With respect to Sgt. [REDACTED], Officer [REDACTED] does not recall if Sgt. [REDACTED] was on the scene that day.⁷⁷ He stated that he has referred to Sgt. [REDACTED] as “[REDACTED]”,⁷⁸ and described Sgt. [REDACTED] as 5’7” or 5’8”, black, and a little husky.⁷⁹

On April 11, 2019 COPA interviewed Witness Officer [REDACTED].⁸⁰ On July 12, 2016 his partner was Officer [REDACTED] and his superior was Sgt. [REDACTED].⁸¹ He does not recall if Sgt. [REDACTED] rode in his vehicle that day.⁸² At the 5700 or 5800 block of Elizabeth he observed a minivan driving too fast for the area and traveling through an alley.⁸³ His partner tried to curb the vehicle.⁸⁴ The vehicle then fled and they pursued the vehicle until the vehicle came to a stop and the driver⁸⁵ and passenger jumped out and began to run.⁸⁶ He gave chase to Mr. [REDACTED] on foot, while his partner gave chase using his vehicle.⁸⁷ The chase was very short, “not even a minute or

⁶³ *Id.* at 5:30 – 5:50, 6:40.

⁶⁴ *Id.* at 6:55, 7:10. Officer [REDACTED] stated that during the pursuit of the vehicle they radioed for assistance. *Id.* at 8:00.

⁶⁵ *Id.*

⁶⁶ Officer [REDACTED] stated the driver was [REDACTED]. *Id.* at 13:39.

⁶⁷ *Id.* at 7:10 – 7:46.

⁶⁸ *Id.* at 8:29 – 9:10.

⁶⁹ *Id.* at 13:20.

⁷⁰ *Id.* at 11:30, 14:00.

⁷¹ *Id.* at 13:47, 14:26.

⁷² *Id.* at 14:40.

⁷³ *Id.* at 14:49.

⁷⁴ *Id.* at 15:00.

⁷⁵ *Id.* at 15:10.

⁷⁶ *Id.* at 17:58.

⁷⁷ *Id.* at 12:15.

⁷⁸ *Id.* at 17:40.

⁷⁹ *Id.* at 10:58.

⁸⁰ Attachment 42.

⁸¹ *Id.* at 3:50, 4:42. Officer [REDACTED] stated that he does refer to Sgt. [REDACTED] as “[REDACTED]”. *Id.* at 30:29.

⁸² *Id.* at 5:50.

⁸³ *Id.* at 7:17 – 10:00.

⁸⁴ *Id.* at 9:45, 10:00.

⁸⁵ Officer [REDACTED] stated that the driver was [REDACTED]. *Id.* at 15:40.

⁸⁶ *Id.* at 11:00 – 12:20.

⁸⁷ *Id.* at 13:25 – 13:45.

two” and Mr. ██████ was then placed into custody.⁸⁸ He does not remember if he or his partner placed Mr. ██████ in handcuffs.⁸⁹ He does not recall how Mr. ██████ was situated when he was placed in handcuffs, but Mr. ██████ was not resisting immediately prior to being placed in handcuffs, as he was tired and exhausted.⁹⁰ He does not recall if Sgt. ██████ was present when Mr. ██████ was placed into handcuffs, but he believed only himself and his partner were present.⁹¹ After being placed into handcuffs, Mr. ██████ was transported to the ██████ Police District, but Officer ██████ does not recall who’s vehicle Mr. ██████ was transported in.⁹² He does not recall if someone entered the vehicle with Mr. ██████.⁹³

Officer ██████ authored the original case incident report and the officers listed were the officers that were involved in the arrest of either ██████ or ██████.⁹⁴ He does not recall seeing Sgt. ██████ on the scene, but believed there was a uniformed supervisor on scene.⁹⁵ He did not hear anyone call Mr. ██████ a “bitch” prior being placed in the police vehicle.⁹⁶ He did not recall if he heard anyone call Mr. ██████ a “Bitch” after being placed in the vehicle.⁹⁷ He did not recall if he heard anyone say to Mr. ██████ that we was going to die.⁹⁸ He did not recall if he observed any officer scratch the eyes of Mr. ██████.⁹⁹ He did not observe any officer strike Mr. ██████ on the head with a radio.¹⁰⁰ Mr. ██████ did not complain of injury while he was in custody.¹⁰¹

On April 19, 2019 COPA interviewed Witness Officer ██████.¹⁰² On July 12, 2016 he was working with Officer ██████ and Officer ██████ when they responded to a call from another unit requesting assistance regarding a vehicle or foot chase.¹⁰³ Officer ██████ does not recall if he participated in the chase or merely located the individual after he was in custody.¹⁰⁴ He does not recall if he saw ██████ that day, although the report does reflect that he or his partner took either ██████ or ██████ into custody.¹⁰⁵ He does not know a Sergeant ██████.¹⁰⁶ He has never heard anyone refer to Officer ██████ as “█████.”¹⁰⁷

⁸⁸ *Id.* at 13:55, 14:10.

⁸⁹ *Id.* at 14:18 – 14:50.

⁹⁰ *Id.* at 15:56 – 16:30.

⁹¹ *Id.* at 15:05, 15:12.

⁹² *Id.* at 17:00, 17:15.

⁹³ *Id.* at 17:50.

⁹⁴ *Id.* at 19:00, 19:30.

⁹⁵ Officer ██████ stated that this was not Sgt. ██████, as Sgt. ██████ would have been in plain clothes. *Id.* at 29:35.

⁹⁶ *Id.* at 23:50.

⁹⁷ *Id.* at 23:55.

⁹⁸ *Id.* at 24:05, 24:10.

⁹⁹ *Id.* at 24:20.

¹⁰⁰ *Id.* at 24:30.

¹⁰¹ *Id.* at 24:45.

¹⁰² Attachment 59.

¹⁰³ *Id.* at 3:47, 8:10 – 8:20.

¹⁰⁴ *Id.* at 9:15.

¹⁰⁵ *Id.* at 11:00. Although Officer ██████ does not recall if he saw ██████, he answered questions pertaining to the allegations. He did not hear anyone call ██████ a “Bitch. *Id.* at 13:09. He did not hear anyone tell ██████ that he was going to die. *Id.* at 14:03. He did not see anyone scratch eyes of ██████. *Id.* at 14:08. He did not see anyone strike ██████ on the head with a radio. *Id.* at 14:20.

¹⁰⁶ *Id.* at 11:50.

¹⁰⁷ *Id.* at 12:10.

On April 30, 2019 COPA interviewed Witness Detective ██████.¹⁰⁸ On July 12, 2016 he was riding Beat ██████ with Officer ██████ and Officer ██████.¹⁰⁹ Another unit came over radio regarding a car chase; they relocated to the area and observed an individual¹¹⁰ running across a vacant field towards their police vehicle.¹¹¹ He and Officer ██████ exited their vehicle and gave chase.¹¹² He does not recall seeing other officers on the scene while they were giving chase to the individual.¹¹³ He believed Officer ██████ placed the individual in custody.¹¹⁴

He does not recall having interaction with ██████.¹¹⁵ He does not recall seeing a black male Sergeant on scene that day.¹¹⁶ He does not recall seeing a chase of ██████.¹¹⁷ He does not recall seeing other units on the scene.¹¹⁸ Officer ██████ was the only black male officer he saw on scene that day.¹¹⁹

On April 22, 2019 COPA interviewed Witness Officer ██████.¹²⁰ On July 12, 2016, he was working with Detective ██████ and Officer ██████; Sgt. ██████ was his superior that day.¹²¹ Officer ██████ possessed a radio and handcuffs and was traveling in an unmarked vehicle.¹²² They were alerted via radio to assist an outside unit pursue a stolen car.¹²³ Upon arriving at the location of the pursuit, he observed ██████¹²⁴ running away from officers.¹²⁵ Officer ██████ and his partners gave chase before eventually detaining ██████ in the alley between Ashland St. and Justine St..¹²⁶ Once he placed ██████ into custody, he picked up Officer ██████ and Detective ██████ down the street.¹²⁷ He then took ██████ to the other units he was running away from, handed him over to Officer ██████, and left.¹²⁸

Officer ██████ does not recall seeing any other black male officers on the scene and he does not recall seeing Sgt. ██████ that day.¹²⁹ He did not hear any officers refer to the ██████ as

¹⁰⁸ Attachment 69.

¹⁰⁹ *Id.* at 4:19.

¹¹⁰ *Id.* at 14:45.

¹¹¹ *Id.* at 6:38 – 9:20.

¹¹² *Id.* at 9:37, 10:30.

¹¹³ *Id.* at 10:38.

¹¹⁴ *Id.* at 12:09, 13:40.

¹¹⁵ *Id.* at 16:10.

¹¹⁶ *Id.* at 16:15.

¹¹⁷ *Id.* at 16:30. Although Detective ██████ does not recall if he had an interaction with ██████ on July 12, 2016, he answered questions pertaining to the allegations. Detective ██████ did not hear anyone call ██████ a “Bitch”. *Id.* at 17:45. He did not see anyone strike ██████ on the head with a radio. *Id.* at 18:00. He did not see anyone scratch the eyes of ██████. *Id.* at 17:55.

¹¹⁸ *Id.* at 15:20.

¹¹⁹ *Id.* at 17:03.

¹²⁰ Attachment 62.

¹²¹ *Id.* at 3:40, 4:41.

¹²² *Id.* at 5:04 – 5:17.

¹²³ *Id.* at 6:15, 6:20.

¹²⁴ *Id.* at 15:40 *Cf.* Officer ██████ also stated that the subject was one of the ██████ brothers and he does not recall which one he observed running, as they are identical twins. *Id.* at 7:37.

¹²⁵ *Id.* at 6:54.

¹²⁶ *Id.* at 8:03, 8:33.

¹²⁷ *Id.* at 13:21.

¹²⁸ *Id.* at 12:35 – 13:05.

¹²⁹ *Id.* at 16:19, 17:35.

a “Bitch”.¹³⁰ He did not hear anyone say “do you want to die” to the [REDACTED].¹³¹ No officers spoke to him regarding Sgt. [REDACTED] striking [REDACTED] on the head.¹³²

On April 24, 2019 COPA interviewed Witness Officer [REDACTED].¹³³ On July 12, 2016 he was working [REDACTED] in an unmarked vehicle with Sgt. [REDACTED].¹³⁴ Sgt. [REDACTED] was his superior and described him a 5’8” – 5’10” black man with semi dark skin.¹³⁵ He does not recall if he was the driving or the business officer.¹³⁶ Officer [REDACTED] possessed handcuffs and a radio.¹³⁷ He does not recall if he was in uniform that day.¹³⁸

Officer [REDACTED] and Sgt. [REDACTED] arrived at Justine St. because of a chase they were alerted to that had come over the radio.¹³⁹ Upon arriving at the area, the black “gentlemen” were already out of the car; he was not sure if they had been apprehended or not.¹⁴⁰ There were officers on scene when they arrived, but does not recall how many officers.¹⁴¹ He does not recall what Sgt. [REDACTED] did when he arrived and he does not recall if Sgt. [REDACTED] had an interaction with the subject or officers that day.¹⁴² He does not recall seeing officers chase [REDACTED],¹⁴³ he does not recall seeing officers handcuff [REDACTED],¹⁴⁴ he does not recall seeing officers place [REDACTED] into a police vehicle.¹⁴⁵

Officer [REDACTED] was on his team and does recall seeing him on scene that day,¹⁴⁶ but does not recall seeing him interact with the subject¹⁴⁷ or interact with Sgt. [REDACTED],¹⁴⁸ He does not recall seeing Officer [REDACTED] on scene that day, but believed he was on the scene.¹⁴⁹ He does not recall seeing any other sergeant on the scene, besides Sgt. [REDACTED].¹⁵⁰

¹³⁰ *Id.* at 18:34.

¹³¹ *Id.* at 18:40.

¹³² *Id.* at 18:55.

¹³³ Attachment 77.

¹³⁴ *Id.* at 3:25 – 4:10. Officer [REDACTED] indicated that he might refer to Sgt. [REDACTED] as “[REDACTED]”. *Id.* at 18:00.

¹³⁵ *Id.* at 4:57, 6:30.

¹³⁶ *Id.* at 6:17.

¹³⁷ *Id.* at 5:12.

¹³⁸ *Id.* at 7:00.

¹³⁹ *Id.* at 5:45.

¹⁴⁰ *Id.* at 7:30, 8:35. *See Also* Officer [REDACTED] clarifying that by gentlemen he meant the police. *Id.* at 10:30. He does not recall the name of the black officers on the scene. *Id.* at 12:30.

¹⁴¹ *Id.* at 8:58 Officer [REDACTED] stated that some officers were black, and some were white. *Id.* at 9:12.

¹⁴² *Id.* at 11:25, 11:36.

¹⁴³ *Id.* at 12:30.

¹⁴⁴ *Id.* at 12:36.

¹⁴⁵ *Id.* at 12:44. Although Officer [REDACTED] does not recall if he had an interaction with [REDACTED] on July 12, 2016, he answered questions pertaining to the allegations. He does not recall hearing anyone call Mr. [REDACTED] a “Bitch”. *Id.* at 16:10. He does not recall anyone telling Mr. [REDACTED] he was going to die. *Id.* at 16:19. He does not recall seeing an officer scratch the eyes of Mr. [REDACTED]. *Id.* at 16:30. He does not recall seeing Sgt. [REDACTED] strike the head of Mr. [REDACTED] with a radio. *Id.* at 16:38.

¹⁴⁶ *Id.* at 12:59.

¹⁴⁷ *Id.* at 13:30.

¹⁴⁸ *Id.* at 13:35.

¹⁴⁹ *Id.* at 14:00.

¹⁵⁰ *Id.* at 20:10.

On May 6, 2019, COPA interviewed Accused Sergeant [REDACTED].¹⁵¹ On July 12, 2016 he was working in Gang Unit South in an unmarked vehicle.¹⁵² He did not have a partner that day, however, Officer [REDACTED] rode in the same vehicle as him.¹⁵³ He does not know why Officer [REDACTED] was riding with him that day, but he opined that it may have been because Officer [REDACTED] partner was off that day.¹⁵⁴ Sgt. [REDACTED] was in plain clothes and possessed a radio and handcuffs.¹⁵⁵ Officers do refer to him as [REDACTED].¹⁵⁶

Sgt. [REDACTED] went to the location of Justine St., because one of his officers was involved in a vehicle chase involving a stolen vehicle.¹⁵⁷ As the pursuit was happening, Sgt. [REDACTED] was monitoring the pursuit over the radio, while at the station.¹⁵⁸ He heard on the radio that the subjects¹⁵⁹ crashed into another vehicle, jumped out, and started running.¹⁶⁰ The station is about an mile or a mile and half from the location of the incident.¹⁶¹

He arrived at the scene with Officer [REDACTED].¹⁶² He does not recall what he first observed on the scene, but does recall seeing a vehicle crashed by a laundromat and other officers situated near a crashed vehicle.¹⁶³ He recalled seeing Officer [REDACTED].¹⁶⁴ Sgt. [REDACTED] does not recall if he saw any subjects in handcuffs and he does not recall seeing anyone in custody, but stated the subjects may have already been in police vehicles.¹⁶⁵

Sgt. [REDACTED] explicitly stated that he had no interaction with [REDACTED] on July 12, 2016.¹⁶⁶ He further stated he did not make an observation of [REDACTED] on July 12, 2016.¹⁶⁷ He does not recall seeing Officer [REDACTED] or Officer [REDACTED] on the scene.¹⁶⁸ He did not recall having a conversation with Officer [REDACTED] regarding the incident.¹⁶⁹ He did not transport the arrestees nor recall seeing the arrestees back at the station.¹⁷⁰ Sgt. [REDACTED] denied all allegations.¹⁷¹

¹⁵¹ Attachment 72.

¹⁵² *Id.* at 5:08, 5:26.

¹⁵³ *Id.* at 6:46.

¹⁵⁴ *Id.* at 7:25.

¹⁵⁵ *Id.* at 7:44, 9:00.

¹⁵⁶ *Id.* at 8:55.

¹⁵⁷ *Id.* at 9:39.

¹⁵⁸ *Id.* at 10:14 – 10:48, 12:45.

¹⁵⁹ Sgt. [REDACTED] identified the subjects as [REDACTED] and [REDACTED] *Id.* at 19:34.

¹⁶⁰ *Id.* at 11:40.

¹⁶¹ *Id.* at 12:45.

¹⁶² *Id.* at 13:44.

¹⁶³ *Id.* at 14:05, 14:25.

¹⁶⁴ *Id.* at 14:42.

¹⁶⁵ *Id.* at 15:28, 15:45. Sgt. [REDACTED] indicated that the subjects may have already been in custody as officers said over the radio that they were in custody. *Id.* at 26:13.

¹⁶⁶ *Id.* at 20:03.

¹⁶⁷ *Id.* at 20:45. Although Sgt. [REDACTED] stated he had no interaction with [REDACTED] on July 12, 2016, he answered questions pertaining to the allegations. He did not hear anyone say to Mr. [REDACTED] that he was going to die or call him a “Bitch”. *Id.* at 21:10. He did not observe any officer scratch the eyes of Mr. [REDACTED]. *Id.* at 21:35. He did not observe any officer strike Mr. [REDACTED] on the head with a radio. *Id.* at 21:45.

¹⁶⁸ *Id.* at 18:05, 18:23.

¹⁶⁹ *Id.* at 19:15.

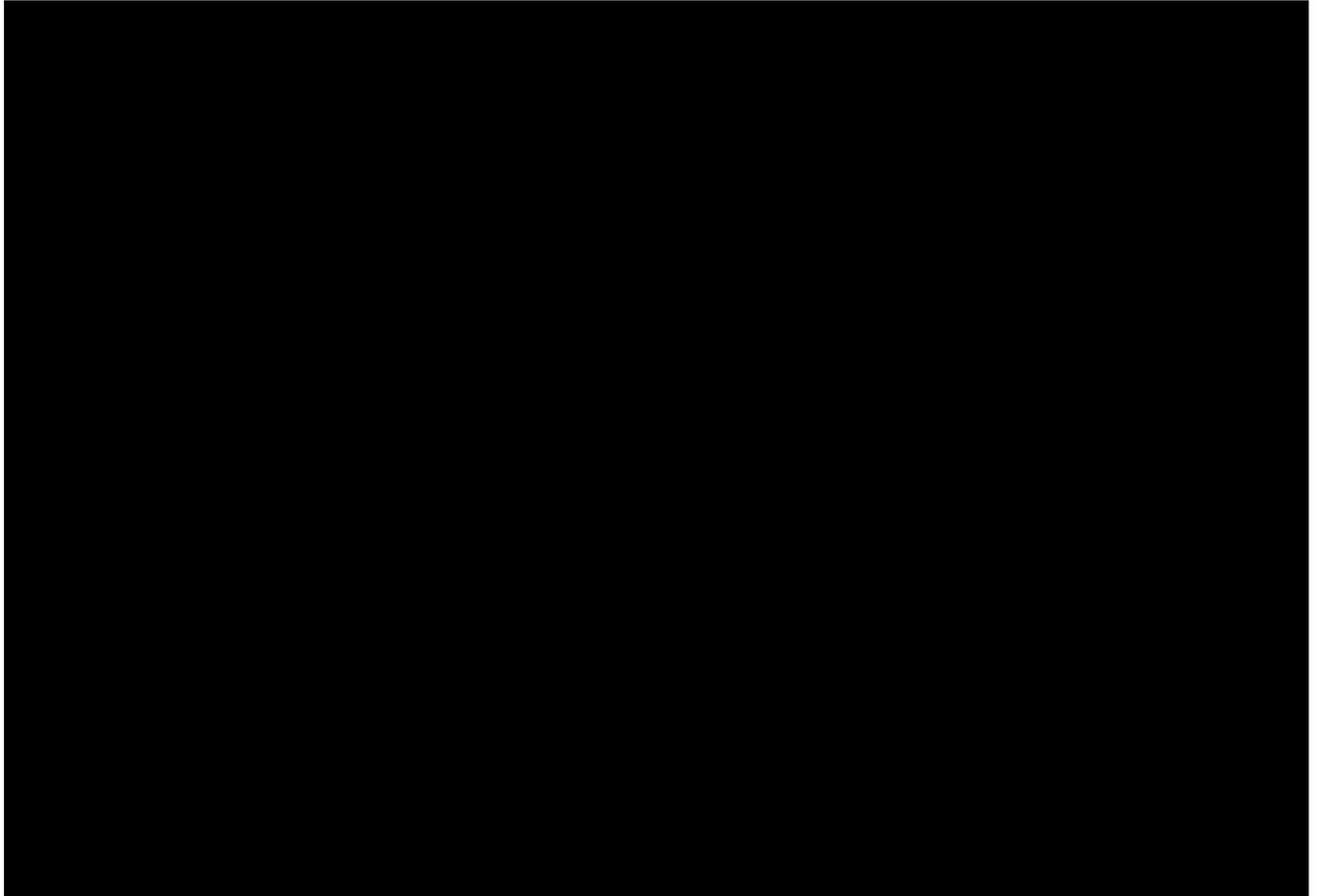
¹⁷⁰ *Id.* at 26:35, 26:55.

¹⁷¹ *Id.* at 23:00 – 23:30.

b. Digital Evidence¹⁷²

COPA obtained a POD Video¹⁷³ situated at 5558 South Loomis St. for July 12, 2016, between the hours of 8:30 AM and 10:00 AM. The video did not show anything of relevance.

COPA obtained **photographs taken on July 12, 2016, of [REDACTED], by Evidence Technicians.**¹⁷⁴ No visible injuries are present on the photographs.

**c. Physical Evidence**

On July 13, 2016, COPA obtained a **To – From Report from Sgt. [REDACTED]**¹⁷⁵ indicating that he had recovered and inventoried the radio that had been assigned to Officer [REDACTED] on the day of the incident. The radio was subsequently sent to ERPS and inventoried under # [REDACTED].

¹⁷² Body Worn Camera videos did not exist of any of the involved officers. At the time of the incident, the involved officers were not assigned body worn cameras, as the assignment of body worn cameras to the applicable officers was still pending.

¹⁷³ Attachment 81.

¹⁷⁴ Attachment 32.

¹⁷⁵ Attachment 10. When the radio was recovered, Sgt. [REDACTED] indicated that the radio was being currently used by Officer [REDACTED] on his tour of duty.

COPA obtained the **Radio / Vehicle Log**¹⁷⁶ for the [REDACTED] Watch on July 12, 2016 for Unit [REDACTED]. The log indicated the following: Sgt. [REDACTED] was assigned Radio [REDACTED] and assigned to Vehicle [REDACTED] Officer [REDACTED] was assigned Radio [REDACTED]

COPA obtained **Inventory Log #**[REDACTED],¹⁷⁷ which indicated that a department issued Motorola Handheld Radio, with Serial Number: [REDACTED] was inventoried by [REDACTED]. The radio was recovered from Officer [REDACTED].

COPA obtained **Inventory Log #**[REDACTED],¹⁷⁸ which indicated that a CPD Motorola Radio, [REDACTED] was inventoried by Officer [REDACTED]. The radio was recovered from Officer [REDACTED].

COPA obtained the **A&As for Unit [REDACTED] on July 12, 2016.**¹⁷⁹ The A&A's listed Sgt. [REDACTED] working Beat [REDACTED], from 8:00 AM until 6:30 PM, and assigned vehicle [REDACTED] Sgt. [REDACTED] assignment for the day, as listed, was Sergeant. The same A&A's listed Officer [REDACTED] working Beat [REDACTED], from 8:00 AM until 6:30 PM, and assigned vehicle [REDACTED] Officer [REDACTED] assignment for the day, as listed, was Gang Team Officer. The A&A's listed Officer [REDACTED] working Beat [REDACTED], from 8:00 AM until 6:30 PM, and assigned vehicle [REDACTED] The A&A's listed Officer [REDACTED] working Beat [REDACTED], from 8:00 AM until 6:30 PM, and assigned vehicle [REDACTED]

COPA obtained the **A&As for Unit [REDACTED] on July 12, 2016.**¹⁸⁰ The A&A's reflected that Officer [REDACTED] and Officer [REDACTED] were working Beat [REDACTED] and assigned vehicle [REDACTED] The report also indicated that Officer [REDACTED] and Officer [REDACTED] were working Beat [REDACTED] and assigned vehicle [REDACTED]

COPA obtained the **Event Query Report for Event #**[REDACTED].¹⁸¹ The event query reports indicated that two male blacks were in a vehicle that struck a car and then subsequently fled on foot. The report indicated both offenders were placed into custody. Beat [REDACTED]¹⁸² relayed that they placed an offender into custody at 9:15:06 AM. Beat [REDACTED]¹⁸³ relayed that they placed an offender into custody at 9:17:35. Beat [REDACTED]¹⁸⁴ relayed they were assisting at 9:20:03. The report indicated that Beat [REDACTED]¹⁸⁵ was monitoring at 9:12:55.

¹⁷⁶ Attachment 11.

¹⁷⁷ Attachment 12.

¹⁷⁸ Attachment 20.

¹⁷⁹ Attachment 28.

¹⁸⁰ Attachment 29. *See Also* Attachment 34. (Tact Unit Team [REDACTED] Assignment Sheet for July 12, 2016, indicating that Officer [REDACTED] had Court on July 12, 2016 and was not assigned a radio).

¹⁸¹ Attachment 21. *See Also* Attachment 80. File Id: ev [REDACTED]1 to 101210hrs.mp3 (OEMC Radio Transmission).

¹⁸² Officer [REDACTED].

¹⁸³ Officer [REDACTED].

¹⁸⁴ Officer [REDACTED].

¹⁸⁵ Sgt. [REDACTED].

d. Documentary Evidence¹⁸⁶

COPA obtained the **Original Case Incident Report**¹⁸⁷ for RD# [REDACTED] which was authored by Officer [REDACTED]. The report indicated that the Area South Gang Team, specifically beat [REDACTED] and [REDACTED] participated in the arrest. Officer [REDACTED] summarize that while on patrol in a high narcotics area, he observed a [REDACTED] with two male occupants at the 5800 black of Aberdeen St. The vehicle was using the alley as a through street. Officer [REDACTED] provided a narrative of the path the vehicle took, including that the vehicle had struck two vehicles. The vehicle came to a stop in an empty lot at 5614 S. Laflin St. and [REDACTED], the driver, and [REDACTED], the passenger, exited and fled the vehicle on foot. The responding officers never lost sight of the driver and placed [REDACTED] in custody after a short foot pursuit. Beat [REDACTED], after a short pursuit, apprehended [REDACTED]. Officer [REDACTED] provided a list of the involved officers.¹⁸⁸

COPA obtained the **Arrest Report for** [REDACTED],¹⁸⁹ which was authored by Officer [REDACTED]. The report indicated that [REDACTED] was arrested on July 12, 2016 at 9:15 AM and charged with violation of 625 ILCS 5/4-103-A-1, Receive/Possess/Sell Stolen Vehicle. Officer [REDACTED] indicated that the arrest was a gang enforcement arrest by Beat [REDACTED] and Beat [REDACTED]. While arresting officers were on patrol in the an area known for heavy gang and narcotics activity, they observed [REDACTED] commit a traffic violation. The arresting officers attempted to curb the vehicle, and the driver, [REDACTED], fled in the vehicle. The officers chased the vehicle and during the chase [REDACTED] disobeyed several stop signs, drove the wrong way, and drove recklessly striking several parked cards. The vehicle came to a stop at 5614 S. Laflin St. and [REDACTED] and the Co-Arrestee¹⁹⁰ fled on foot. After a brief chase [REDACTED] was placed into custody by Officer [REDACTED]. [REDACTED] stated that he knew the car was stolen and his friend had given it to him. A visual check of [REDACTED] indicated that [REDACTED] had no obvious pain or injury.¹⁹¹

COPA obtained the **Arrest Report for** [REDACTED]¹⁹², which was authored by Officer [REDACTED]. Officer [REDACTED] indicated that the arrest of [REDACTED] is a Area South Gang Team Arrest by beats [REDACTED], [REDACTED], [REDACTED], and [REDACTED]. [REDACTED] was a passenger in a stolen vehicle driven by [REDACTED].¹⁹³ [REDACTED] exited the vehicle and began to flee on foot and after a short foot pursuit was placed in custody by Beat [REDACTED].

COPA obtained the **Traffic Pursuit Package and Accompanied Documents**¹⁹⁴ from the Traffic Review Board relative to the incident. The Traffic Review Board found the pursuit to be in compliance with department policy. Officer [REDACTED] provided a narrative of the event. He

¹⁸⁶ On May 1, 2016, COPA requested the Supervisor's Management Log for July 12, 2016, [REDACTED] Watch, Unit [REDACTED]. COPA received a response to it's request and was informed that the Management Log could not be located. See Attachment 79.

¹⁸⁷ Attachment 13.

¹⁸⁸ Star #: [REDACTED], [REDACTED], Beat [REDACTED], First Arresting Officer; Star #: [REDACTED], [REDACTED], Beat [REDACTED]; Star # [REDACTED], [REDACTED], Beat [REDACTED]; Star # [REDACTED], [REDACTED], Beat [REDACTED]; Star # [REDACTED], [REDACTED], Beat [REDACTED].

¹⁸⁹ Attachment 14.

¹⁹⁰ [REDACTED], [REDACTED].

¹⁹¹ Attachment 14, Page 4.

¹⁹² Attachment 15.

¹⁹³ [REDACTED].

¹⁹⁴ Attachment 58.

stated that he observed the driver, [REDACTED], speed off in an erratic manner. Officer [REDACTED] attempted to initiate a traffic stop and which time the vehicle speed through alleys and struck a parked vehicle. The occupants fled on foot and both occupants were apprehended.

VI. LEGAL STANDARD

For each Allegation COPA must make one of the following findings:

1. Sustained - where it is determined the allegation is supported by a preponderance of the evidence;
2. Not Sustained - where it is determined there is insufficient evidence to prove the allegations by a preponderance of the evidence;
3. Unfounded - where it is determined by clear and convincing evidence that an allegation is false or not factual; or
4. Exonerated - where it is determined by clear and convincing evidence that the conduct described in the allegation occurred, but it is lawful and proper.

A **preponderance of evidence** can be described as evidence indicating that it is **more likely than not** that the conduct occurred and violated Department policy. *See Avery v. State Farm Mutual Automobile Insurance Co.*, 216 Ill. 2d 100, 191 (2005), (a proposition is proved by a preponderance of the evidence when it has found to be more probably true than not). If the evidence gathered in an investigation establishes that it is more likely that the misconduct occurred, even if by a narrow margin, then the preponderance of the evidence standard is met.

Clear and convincing evidence is a higher standard than a preponderance of the evidence but lower than the "beyond-a-reasonable doubt" standard required to convict a person of a criminal offense. See *e.g., People v. Coan*, 2016 IL App (2d) 151036 (2016). Clear and Convincing can be defined as a "degree of proof, which, considering all the evidence in the case, produces the firm and abiding belief that it is highly probable that the proposition . . . is true." *Id.* at ¶ 28.

VII. ANALYSIS

There is insufficient evidence to prove the allegations against Sgt. [REDACTED] by a preponderance of the evidence. On July 12, 2016 [REDACTED] stated that a black male officer gouged his eyes, hit him in the head with a radio, directed profanity at him, and threatened to kill him. Mr. [REDACTED] said this officer was referred to as "[REDACTED]." According to the A&As for Unit [REDACTED] and Unit [REDACTED], the units involved in the apprehension of Mr. [REDACTED], Sgt. [REDACTED] was the only Sargent, on-duty, that fits the description provided by Mr. [REDACTED]. Additionally, Sgt. [REDACTED] was the superior of the Officer [REDACTED] and Officer [REDACTED], the officers that arrested Mr. [REDACTED].

Mr. [REDACTED] provided the name of an independent witness, [REDACTED], who allegedly witnessed the encounter between Mr. [REDACTED] and the officers. COPA interviewed Mr. [REDACTED] and his statement in no way corroborated the statement provided by Mr. [REDACTED]. Mr. [REDACTED] said that more than ten (10) police vehicles arrived and there were six (6) officers that approached and subsequently "beat" Mr. [REDACTED]. He elaborated that he saw an Asian officer point a gun at the head

of Mr. [REDACTED] and stated that a white officer grabbed Mr. [REDACTED] face and slapped him. These statements are contrary to Mr. [REDACTED] sworn statement, that it was a black male officer, that battered him.

Even though Officer [REDACTED] was the arresting officer for Mr. [REDACTED], he stated he did not recall who was present for the handcuffing of Mr. [REDACTED]. He also stated that he did not observe any officer scratch the eyes of Mr. [REDACTED] or strike him on the head. He did not hear any profanity directed towards Mr. [REDACTED] nor hear anyone threaten Mr. [REDACTED]. Officer [REDACTED] partner, Officer [REDACTED], did not observe any officer strike Mr. [REDACTED] on the head or direct profanity towards Mr. [REDACTED]. He did not recall if he observed an officer scratch the eyes of Mr. [REDACTED] or threaten Mr. [REDACTED]. Officer [REDACTED] did not hear any officers direct profanity to Mr. [REDACTED], threaten Mr. [REDACTED], or subsequently learn of Sgt. [REDACTED] striking Mr. [REDACTED] on the head. Officer [REDACTED] reported that he arrived on scene with Sgt. [REDACTED] but could not recall what Sgt. [REDACTED] did after they arrived on the scene. Sgt. [REDACTED] stated he had no interaction with Mr. [REDACTED] on July 12, 2016 and denied all the allegations.

Photographs of Mr. [REDACTED] do not show evidence of any injury, even though he claimed his eyes were bleeding. The arrest report of Mr. [REDACTED] indicated that he had no obvious signs on pain or injury.

Mr. [REDACTED] claims were not substantiated by anyone, including his own independent witness. Officers on scene either reported that 1: they observed no physical contact between Mr. [REDACTED] and any officers, 2: did not hear profanity or threats directed at Mr. [REDACTED], or 3: could not recall what they observed regarding the incident. Although Sgt. [REDACTED] denied the allegations, there is not clear and convincing evidence that an altercation between Sgt. [REDACTED] and Mr. [REDACTED] did not occur, as Sgt. [REDACTED] admitted to being on scene. Therefore because of insufficient evidence to show the allegations did not occur, COPA recommends a finding of NOT SUSTAINED with respect to all allegations.

VIII. CONCLUSION

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

Officer	Allegation	Finding / Recommendation
Sergeant [REDACTED]	1. On or about July 12, 2016, at approximately, 9:15 am at or near 5620 S. Justine Street Chicago, IL, Sgt. [REDACTED] verbally threatened [REDACTED] in that he stated words to the effect, "Do you want to die?", in violation of Rules 1, 2, 3, 6, 8, 9. 2. On or about July 12, 2016, at approximately, 9:15 am at or near 5620 S. Justine Street Chicago, IL, Sgt. [REDACTED] verbally abused [REDACTED] in that he called [REDACTED] a "bitch", in violation of Rules 2, 3, 8, 9. 3. On or about July 12, 2016, at approximately, 9:15 am at or near 5620 S. Justine Street Chicago,	Not Sustained Not Sustained Not Sustained

IL, Sgt. [REDACTED] scratched the eyes of [REDACTED], without justification, in violation of Rules 1, 2, 3, 6, 8, 9, 10.

4. On or about July 12, 2016, at approximately, 9:15 am at or near 5620 S. Justine Street Chicago, IL, Sgt. [REDACTED] struck [REDACTED], with a radio, without justification, in violation of Rules 1, 2, 3, 6, 8, 9, 10.

Not Sustained

Approved:



12-23-19

Angela Hearts-Glass
Deputy Chief Administrator – Chief Investigator

Date

Appendix A

Assigned Investigative Staff

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