

SUMMARY REPORT OF INVESTIGATION¹

Date/Time/Location of Incident:	November 13, 2016, 4:50 p.m., 13335 S. Indiana Avenue
Date/Time of COPA Notification:	November 13, 2016, 9:37 p.m.
Involved Officer #1:	██████████ star # ██████████ employee ID # ██████████ Date of Appointment: ██████████ 2011; rank: Police Officer; Unit of Assignment: ██████████ DOB: ██████████ 1972; gender: Male; race: Black.
Involved Officer #2:	██████████ star # ██████████ employee ID # ██████████ Date of Appointment: ██████████ 2002; rank: Police Officer; Unit of Assignment: ██████████ DOB: ██████████ 1970; gender: Male; race: White.
Involved Individual #1:	██████████ DOB: ██████████ 1996; gender: Male; race: Black.
Involved Individual #2:	██████████ DOB: ██████████ 1980; gender: Female; race: Black.
Case Type:	Excessive Force

I. ALLEGATIONS

Officer	Allegation	Finding
Officer ██████████	1. Struck ██████████ in the face without justification;	Not Sustained
	2. Called ██████████ a “bitch;”	Not Sustained
	3. Called ██████████ a “bitch” and “dumb motherfucker;”	Not Sustained
	4. Called the arrestee, ██████████ a “bitch” and “dumb motherfucker.”	Not Sustained
Officer ██████████	1. Placed both your hands around ██████████ neck and choked him.	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.

II. SUMMARY OF EVIDENCE²

Officers observed a vehicle, Chrysler Caravan, being driven by [REDACTED] that was involved in a shots fired call. After discovering that [REDACTED] was driving the stolen vehicle, [REDACTED] was placed into custody. [REDACTED] was a passenger in the stolen vehicle and was also placed into custody. Officer [REDACTED] placed [REDACTED] into custody while Officer [REDACTED] placed [REDACTED] into custody. [REDACTED] mother, [REDACTED] arrived at the location of incident while [REDACTED] was being detained.

During his statement to COPA, [REDACTED] stated that Officer [REDACTED] placed both his hands around [REDACTED] neck and choked him. [REDACTED] then fell to the ground and briefly loss consciousness. [REDACTED] later told [REDACTED] that Officer [REDACTED] punched him in the mouth. During her COPA interview, [REDACTED] stated that Officer [REDACTED] called her a “bitch” and referred to [REDACTED] and [REDACTED] as a “bitch” and “dumb motherfucker.” [REDACTED] also stated she observed Officer [REDACTED] punch [REDACTED] in the mouth.

In his statement to COPA, Officer [REDACTED] denied the allegation made against him. Officer [REDACTED] added that [REDACTED] spat at Officer [REDACTED] and Officer [REDACTED] struck [REDACTED] in the head/face area to stop [REDACTED] from spitting again. During his COPA interview, Officer [REDACTED] stated he performed a strike to the right-side of [REDACTED] face immediately after [REDACTED] spat on him. Officer [REDACTED] described his hand being partially close/open when he struck [REDACTED]. Officer [REDACTED] stated that he struck [REDACTED] to redirect [REDACTED] face and stop [REDACTED] from spitting on him again. Officer [REDACTED] stated he could not recall if he used any profanities at [REDACTED] and [REDACTED] and denied using profanity at [REDACTED]. Officer [REDACTED] stated it is possible he called [REDACTED] a “dumb motherfucker” after [REDACTED] spat on him. Officer [REDACTED] denied observing Officer [REDACTED] choke [REDACTED]. Officer [REDACTED] added that after [REDACTED] spat at him, Officer [REDACTED] used both his hands and grabbed [REDACTED] by his shirt collar to hold him.

Officer [REDACTED] completed a Tactical Response Report (TRR) documenting [REDACTED] was an assailant who posed an imminent threat of battery and spat at Officer [REDACTED]. Officer [REDACTED] performed a closed hand strike/punch to subdue [REDACTED]. In the TRR, Lieutenant [REDACTED] documented that [REDACTED] denied spitting at Officer [REDACTED].

Evidence Technician Photographs show what appears to be a cut under [REDACTED] top lip. [REDACTED] received medical treatment at Metro South Medical Center, while in CPD custody, and was diagnosed with a laceration to his lip and contusion of parietal region of scalp.

Video surveillance footage from Key Food and Liquor depicts Officer [REDACTED] with both of his hands around [REDACTED] upper chest and/or neck area causing [REDACTED] to move back

² 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.

³ Attempts to contact and interview [REDACTED] was unsuccessful.

towards a gate. Officer [REDACTED] then appears to strike [REDACTED] in the face. The video footage does not provide adequate images to determine whether Officer [REDACTED] had his hands around [REDACTED] neck or if [REDACTED] spat at Officer [REDACTED].

[REDACTED] pled guilty to Receive/Possess/Sell Stolen Vehicle and Aggravated Battery/Peace Officer.⁴

General Order G03-02-02 (C)(1)(a) titled *Force Options*, reads in part, “Assailant: a subject who is using or threatening the imminent use of force against himself/herself or another person and whose actions are aggressively offensive without weapons. The level of response can include direct mechanical techniques. Direct mechanical techniques are hard, concentrating, striking movements such as punching and kicking, or powerful locks and pressures.”

III. ANALYSIS AND CONCLUSION

COPA finds that allegations against Officer [REDACTED] are **Not Sustained**. COPA was unable to locate any evidence, other than the involved parties’ statements, that support or refute the allegations. Video Footage confirms that Officer [REDACTED] struck [REDACTED]. Officer [REDACTED] admitted to striking [REDACTED] and explained that [REDACTED] spat at him. Officer [REDACTED] further explained that he punched [REDACTED] in the face to stop [REDACTED] from spitting at him again. Officer [REDACTED] TRR⁵ documented that [REDACTED] denied spitting at Officer [REDACTED]. Further, Officer [REDACTED] stated he could not recall if he used any profanities at [REDACTED] and [REDACTED] and denied using profanity at [REDACTED]. Officer [REDACTED] stated it is possible he called [REDACTED] a “dumb motherfucker” after [REDACTED] spat on him. The evidence does not adequately prove or refute that Officer [REDACTED] used profanity at anyone. Additionally, although Officer [REDACTED] does not dispute striking [REDACTED] the evidence does not establish whether [REDACTED] spit at Officer [REDACTED]. Therefore, the justification for striking [REDACTED] cannot be determined.⁶

COPA finds that the allegation against Officer [REDACTED] is **Not Sustained**. COPA was unable to locate any evidence, other than the involved parties’ statements, that support or refute the allegations. Video footage depicts Officer [REDACTED] making physical contact with [REDACTED] upper chest and/or neck area causing [REDACTED] to move back towards a gate. ET photographs and medical records do not show physical injury to [REDACTED] throat or neck areas. Officer [REDACTED] denied the allegation. Therefore, the evidence does not prove or refute whether Officer [REDACTED] had his hands around [REDACTED] neck.

⁴ Attachment 49

⁵ COPA notes that since this incident the Department has amended G03-02-02 to emphasize the use of de-escalation tactics and that under the policy in effect today, Officer [REDACTED] actions would have likely been deemed inconsistent with Department policy.

⁶ Spitting at an officer constitutes using force likely to cause physical injury; thus, classifying an individual as an assailant. Officers are permitted to use mechanical strikes, including punches, against assailants. G03-02-02(C)(1)(a)

Approved:



12-24-19

Angela Hearts-Glass
Deputy Chief Administrator

Date

Appendix A

Assigned Investigative Staff

Squad#:	[REDACTED]
Investigator:	[REDACTED]
Supervising Investigator:	[REDACTED]
Deputy Chief Administrator:	Angela Hearts-Glass