SUMMARY REPORT OF INVESTIGATION¹

September 4, 2013

I. EXECUTIVE SUMMARY

Date of Incident:

Time of Incident: 7:49p.m. Location of Incident: 6659 S. Halsted Street Date of IPRA Notification: December 22, 2015 Time of IPRA Notification: 11:05a.m. On September 4, 2013, several officers responded to a OEMC call of a man with a gun. and he fled from the officers. The officers pursued Upon the officers arriving, they saw fled through the house, down a gangway and through the alley. While in the gangway, Officer knocked a weapon out of hand. continued to run, and officers ran to a gas station and at that point officers were able to catch up continued to pursue him. According to he surrendered when he reached the gas station, but officers stated with kept resisting and they had to use open hand/close hand strikes to get well as an emergency takedown. was subsequently placed into custody and transported to district for processing. II. **INVOLVED PARTIES** Involved Officer #1: Star# Employee# DOA: 2006, Officer, Unit 1982. DOB: Male, Asian Employee# DOA: Involved Officer #2: Star# 2006, Officer, Unit DOB: 1973, Male, Asian Employee# Involved Officer #3: Star# 2012, Officer, Unit Male, White Involved Officer #4: Star# Employee# DOA: 2001, Officer², Unit DOB: 1979, Male, White

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 Currently a sergeant

Involved Officer #5:	Star# Employee# DOA: 1996, Sergeant, Unit DOB: 1969, Male, White
Involved Officer #6:	Star# Employee# DOA: 1986, Sergeant, Unit DOB: 1957, Male, Black
Involved Officer #7:	Star# Employee# DOA: 2000, Sergeant, Unit DOB: 1975, Female, Hispanic
Involved Individual #1:	1990, Male, Black

III. ALLEGATIONS

Officer	Allegation	Finding
Officer	1. It is reported in civil suit# filed on October 14, 2015, that on September 04, 2013 at 6659 S. Halsted at 7:49p.m. you kicked about the face, body, head, stomach and legs;	Not Sustained
	2. It is reported in civil suit# filed on October 14, 2015, that on September 04, 2013 at 6659 S. Halsted at 7:49p.m. you punched about the body, head, and legs;	Not Sustained
	3. It is reported in civil suit# filed on October 14, 2015, that on September 04, 2013 at 6659 S. Halsted at 7:49p.m. you punched on the face;	Not Sustained
	4. It is reported in civil suit# filed on October 14, 2015, that on September 04, 2013 at 6659 S. Halsted at 7:49p.m. you placed a knee onto neck.	Not Sustained
	5. It is further alleged that while at District Station you denied medical attention;	Not Sustained
	6. It is further alleged that while at Station you placed him in an unsanitary cell with smeared feces and urine on the walls.	Not Sustained

Officer	1. It is reported in civil suit# filed on October 14, 2015, that on September 04, 2013 at 6659 S. Halsted at 7:49p.m. you kicked about the face, body, head, stomach and legs;	Not Sustained
	2. It is reported in civil suit# filed on October 14, 2015, that on September 04, 2013 at 6659 S. Halsted at 7:49p.m. you punched about the body, head, and legs;	Not Sustained
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	5. It is further alleged that while at District Station you denied medical attention;	Not Sustained
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Sergeant	1. It is reported in civil suit# that on September 04, 2013 at 6659 S. Halsted during the arrest of you failed to intervene and order the officers to stop "beating" him.	Not Sustained
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IV. APPLICABLE RULES AND LAWS

Rules

- 1. Rule 8- Disrespect to or maltreatment of any person, while on or off duty.
- 2. Rule 9- Engaging in any unjustified verbal or physical altercation with any person, while on or off duty.
- 3. Rule 10- Inattention to duty.

General Orders

1. G03-02-02 Force Options

Federal Laws

The Fourth Amendment to the United States Constitution provides in relevant: "[t]he right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated" U.S. CONST. amend IV. Determinations regarding the potential use of excessive force in the course of an arrest, investigatory stop, or other seizure are properly analyzed under the Fourth Amendment's objective reasonableness standard.

V. INVESTIGATION³

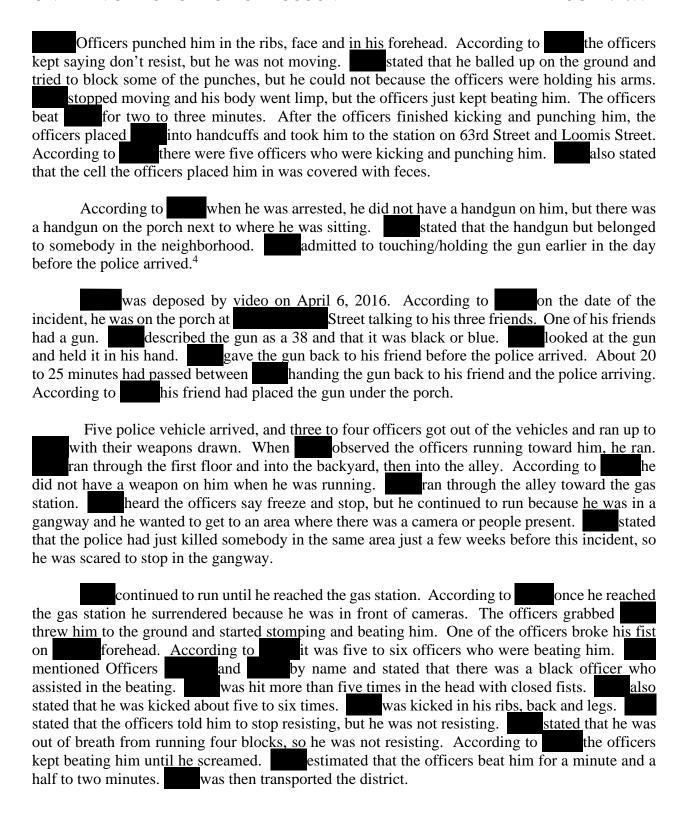
a. Interviews

Civilian Interview

was interviewed on February 11, 2016 over the telephone while he was housed at Pinckneyville Correctional Center. On September 4, 2013, he was sitting on the porch at with a friend when five police vehicles pulled up. According to his friend's girlfriend resides at that address. The officers got out of the first vehicle with their weapons drawn and The officers ordered to come to the vehicle, but ignored the orders and started running because he was scared. The officers pursued ran inside the building that he was sitting in front of and ran out the back door. heard the officers ordering him to stop running, but alleys until he made in to Halsted Street. ignored the commands because he was scared. Once reached Halsted Street, he stopped inside a gas station parking lot. stopped running and put his hands up in the air and is unsure whether it was a Marathon or Mobile gas station, but the address of surrendered. the gas station is 6659 S. Halsted Street.

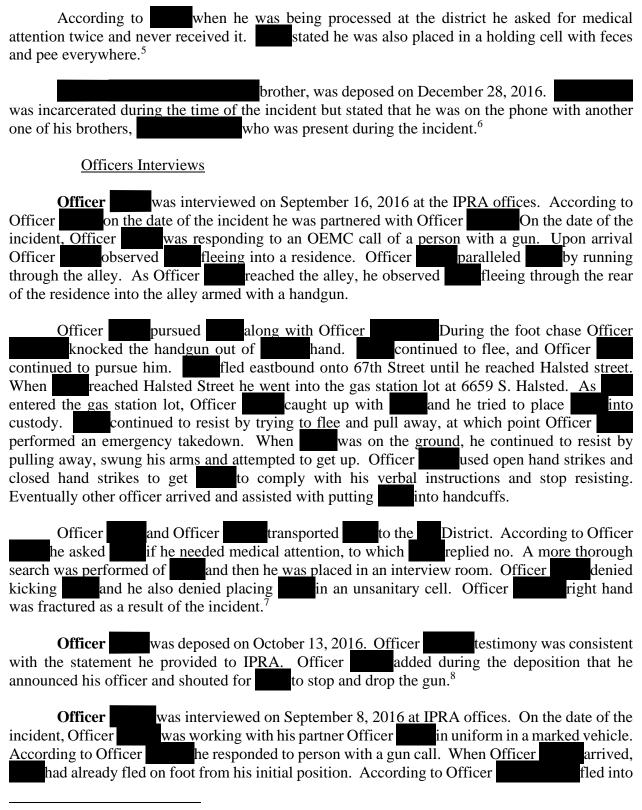
One of the officers that was chasing are ran up to him and threw him to the ground and started to punch and kick. Other officers joined, about four or five, in kicking and punching

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 Atts. 8 & 22.

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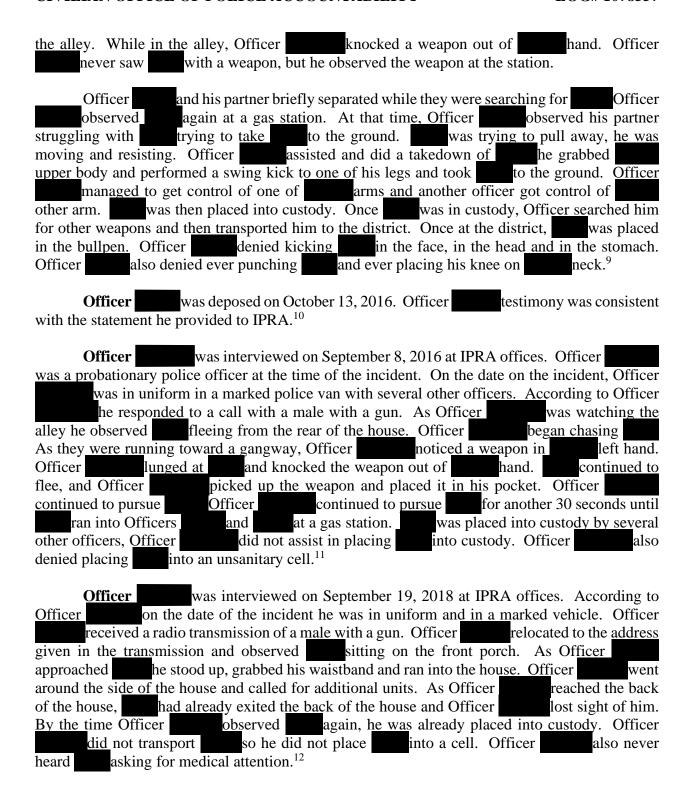


⁵ Att. 68.

⁶ Att. 73.

⁷ Atts. 39 & 46.

⁸ Att. 77.



⁹ Atts. 35 & 49.

¹⁰ Att. 78.

¹¹ Atts. 37 & 47.

¹² Atts. 41 & 48.

was deposed on November 18, 2016. Officer testimony was consistent with the statement he provided to IPRA.¹³ Sergeant was interviewed on September 20, 2016 at IPRA offices. On September 4, 2013, Sergeant responded to a call for assistance over the radio. The call was in reference to officers chasing somebody, possibly with a weapon. Sergeant responded to area and went to a house on the 6600 block of Union Street. As Sergeant reached the front porch, he heard a call over the radio stating that the offender was in custody. Sergeant never saw the offender and never approved any paperwork dealing with the offender.¹⁴ was interviewed on October 6, 2016 at IPRA offices. On the date¹⁵ of Sergeant responded to a man with a gun call. Upon arriving at the scene, the incident, Sergeant observed a man sitting on the porch and then the man got up and ran into the immediately went around to the back, by the time he reached the back house. Sergeant the man was running through the alley. Sergeant went around onto Marquette and stopped the car and jumped out. Other officers were also there trying to stop but turned around and ran to a gas station. Sergeant was placed under proceeded to the gas station. arrest at the gas station. According to Sergeant was struggling a little bit. Sergeant did not see any officers kick and punch he did not see any officers beating was interviewed on September 7, 2016 at IPRA offices. On the date of Sergeant the incident, Sergeant responded to a call of a person with a gun near the 6600 block of Union. When Sergeant arrived, she observed officers running through the building in pursuit of the offender and she joined in the pursuit. When she caught up with Officer she stopped because Officer had picked up the weapon. Sergeant stayed on to make sure that he was okay. Sergeant Union with Officer did not witness the apprehension of and did not see after he was apprehended. ¹⁷ Officer was interviewed on November 18, 2016 at IPRA offices. Officer was assigned to the district male lock-up on September 4, 2013. Officer

has no recollection of but stated that at no time would a prisoner be placed in an unsanitary cell. Officer also stated that it is not the responsibility of the lock-up personnel to maintain the clean-up. If a cell was deemed uninhabitable, the prisoner would be removed from the cell and the cell would not be used until it has been cleaned. The lock-up personnel also conduct fifteen-minute visual cell checks to ensure the safety of the prisoner. 18

Detention Aide was interviewed on November 17, 2016 at IPRA offices. was assigned to the district male lock-up on September 4¹⁹, 2013. has no recollection of but stated that at no time would a prisoner be placed in an unsanitary cell. The cells in the

¹⁴ Atts. 51 & 54.

¹³ Att. 82.

¹⁵ The investigator stated that the date of the incident as September 22, 2018 at the beginning of the interview but corrected the date to September 4, 2013 during the interview.

¹⁶ Atts. 51& 69.

¹⁷ Atts. 53 & 55.

¹⁸ Atts. 63 & 66.

¹⁹ Investigator stated September 22nd, during the interview but the incident occurred on September 4, 2013.

lock-up area are cleaned daily and during each watch. If a cell was deemed uninhabitable, the prisoner would be removed from the cell and the cell would not be used until it has been cleaned. The lock-up personnel also conduct fifteen-minute visual cell checks to ensure the safety of the prisoner. According to the city has a contract with a cleaning company to service the police districts and that he does not clean the cells.²⁰

Detention Aide was interviewed on November 18, 2016 at IPRA offices. was assigned to the district male lock-up on September 4, 2013. has no recollection of but stated that at no time would a prisoner be placed in an unsanitary cell. The cells in the lock-up area are cleaned daily and during each watch. If a cell was deemed uninhabitable, the prisoner would be removed from the cell and the cell would not be used until it has been cleaned. The lock-up personnel also conduct fifteen-minute visual cell checks to ensure the safety of the prisoner. According to the city has a contract with a cleaning company to service the police districts and that the he does not clean the cells.²¹

Officer was deposed on October 13, 2016. On the date of the incident,

was partnered with Officer Just prior to responding to the incident address on Union Street, Officer and his partner had responded to a person with a gun call a couple blocks east of Union Street. When Officer was on Lowe Street, a call came over the radio of a person with a gun on Union. Officer and his partner responded to the call on Union Street. There were four people on the porch, one of the people²² on the porch matched the description given of the person with a gun. Officer asked to stand up and walk toward him. stood up and grabbed his waistband and turned around and ran into the building. Officer did not see with a gun but he believed had a gun because he matched the description given and he fled while holding his waistband.

Officer attempted to follow but the gate was locked. Officer got on the radio and asked for a car to go to the rear of the building. Officer asked the individuals on the porch to unlock the gate and they complied. Officer entered the building and went up to the second floor. Officer asked the woman in the apartment if somebody dropped anything. While Officer was in the apartment, he heard over the radio that had been apprehended and a handgun recovered.²³

Detective was deposed on November 18, 2016. Detective was not present for the arrest of but he did speak/interview in regards to the incident and he recorded that interview in his general progress report.²⁴

Detective was deposed on November 18, 2016. Detective was not present for arrest. Detective assisted Detective with his interview of at the district police station.²⁵

²⁰ Atts. 62 & 65.

²¹ Atts. 64 & 67.

²² Now known to be

²³ Att. 79.

²⁴ Att. 80.

²⁵ Att. 81.

b. Documentary Evidence

The original case incident report and arrest report document officers responded to a
call of a person with a gun at Upon arrival, arresting officers observed sitting
on the front steps of the porch matching the description of the man with a gun. Officers approached
for a field interview, and got up and ran up to the second floor. Arresting officers called for
assistance and responding officers observed running out of the rear of the building. Officer
observed run into an alley with a handgun in his left hand. Officer knocked
the handgun loose from hand and recovered a blue steel .38 revolver at 720 W. Marquette
Rd. continued flee westbound where he was placed into custody by beat at 6659 S.
Halsted Street. ²⁶
The case supplementary report document that spoke with detectives. According to

The **case supplementary report** document that spoke with detectives. According to the report, related that he saw the cops and got up and ran in the house. Stated he purchased the gun for \$200 and he did not know the serial numbers were taken off. It stated he did not see the police in the alley during the chase and that the gun came out of his hand, he further related that he stopped for the police.²⁷

A **Tactical Response Report** (**TRR**) completed by Officer document did not follow verbal direction, stiffened, fled, pulled away and flailed his arms. was classified as a passive resister, active resister and an assailant. Member's response is listed as member presence, verbal commands, open hand strike, close hand strike/punch and emergency handcuffing and take down.²⁸

A **Tactical Response Report** (**TRR**) completed by Officer document did not follow verbal direction, stiffened, fled, pulled away and flailed his arms. is classified as a passive resister, active resister and an assailant. Member's response is listed as member presence, verbal commands, kicks and emergency handcuffing and take down.²⁹

c. Additional Evidence

filed a civil suit (in which he alleges he was beaten by several officers and that supervisors were present on scene and failed to intervene/order the officers to stop. Further he alleged he was denied medical attention and placed in an unsanitary cell. The lawsuit was settled before trial for \$4,000.³⁰

V. ANALYSIS

Officer Allegations

²⁶ Atts. 11 & 12.

²⁷ Att. 13.

²⁸ Att. 15.

²⁹ Att. 17.

³⁰ Att. 6.

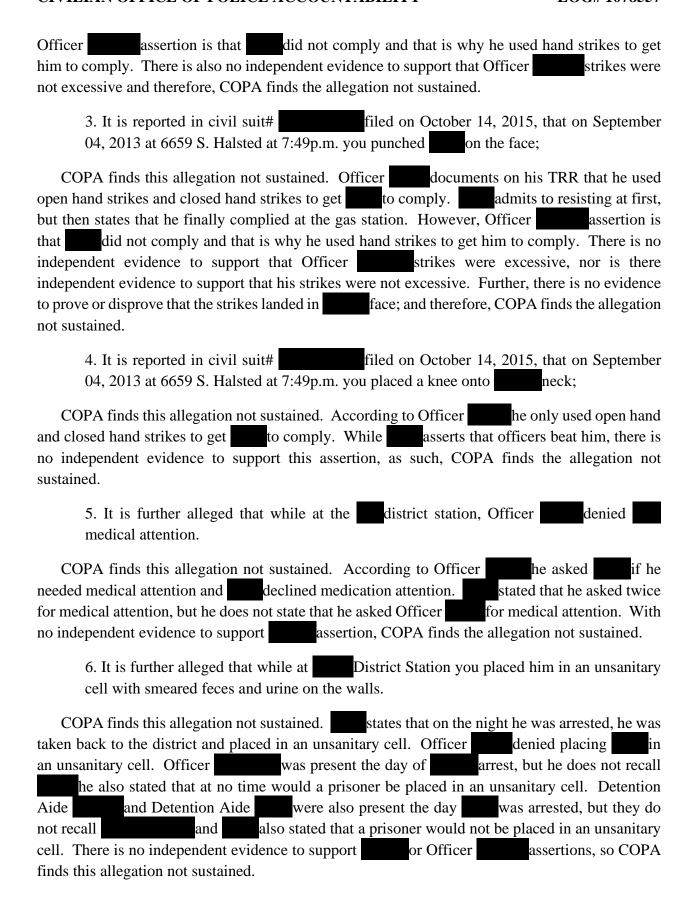
1. It is reported in civil suit# filed on October 14, 2015, that on September 04, 2013 at 6659 S. Halsted at 7:49p.m. you kicked about the face, body, head, stomach and legs;

COPA finds this allegation not sustained. According to G03-02-02, a resister is a person who is uncooperative. Resisters are further subdivided into two categories, passive and active. A passive resister is defined as a person who fails to comply with verbal or other direction. An active resister is defined as a person whose actions attempt to create distance between that person and the member's reach with the intent to avoid physical control and or defeat the arrest. Holding techniques can be used on a passive resister and it can be escalated to striking or slapping to disorient the subject. An assailant is defined as a subject who is using or threatening the imminent use of force against himself or another person. Assailants are categorized into three categories. The first category includes actions that are aggressively offensive without weapons. The second category includes actions likely to cause physical injury. The third category is actions likely to cause death or serious physical injury. When a subject is classified as an assailant, direct mechanical techniques such as punching and kicking and powerful locks. These techniques can be combined with take-downs or pins against the ground or other objects.

According to on the date of the incident, several officers got out of their vehicle with their weapons drawn and pointed at to stop, but he ignored their orders. The officers ordered and kicked him. By own admission he was both an active and passive resister. According to Officer are from the officers and continued to resist even when officers tried to place him under arrest at the gas station. Officer documents on his TRR that he used open hand strikes and closed hand strikes to get to comply, which under the general order are acceptable techniques. Officer denied kicking to comply, which under the general order are acceptable techniques. Officer denied kicking to comply, which under the general order are acceptable techniques. Officer denied kicking to comply, which under the general order are acceptable techniques. Officer denied kicking to comply, which under the general order are acceptable techniques. Officer denied kicking to comply, which under the general order are acceptable techniques. Officer denied kicking to comply, which under the general order are acceptable techniques. Officer denied kicking to comply, which under the general order are acceptable techniques. Officer denied kicking to comply, which under the general order are acceptable techniques. Officer denied kicking to comply, which under the general order are acceptable techniques.

2. It is reported in civil suit# filed on October 14, 2015, that on September 04, 2013 at 6659 S. Halsted at 7:49p.m. you punched about the body, head, and legs;

COPA finds this allegation not sustained. Officer documents on his TRR that he used open hand strikes and closed hand strikes to get to comply because he was resisting. According to Officer was flailing and swinging his arms when he was trying to arrest at the gas station. While punching and slapping is a technique that can be used when a subject is classified as an assailant. The members punching, and slapping cannot be excessive and must be the appropriate level of force used based on the subject's actions. COPA finds that there is no independent evidence to support assertions that the strikes used were excessive.



<u>Officer</u> <u>Allegations</u>

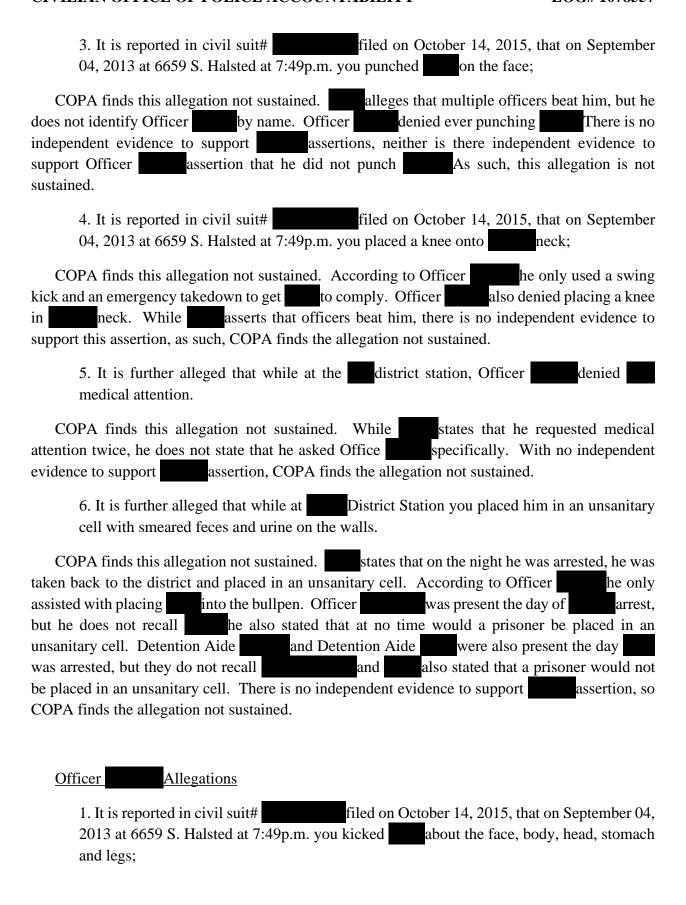
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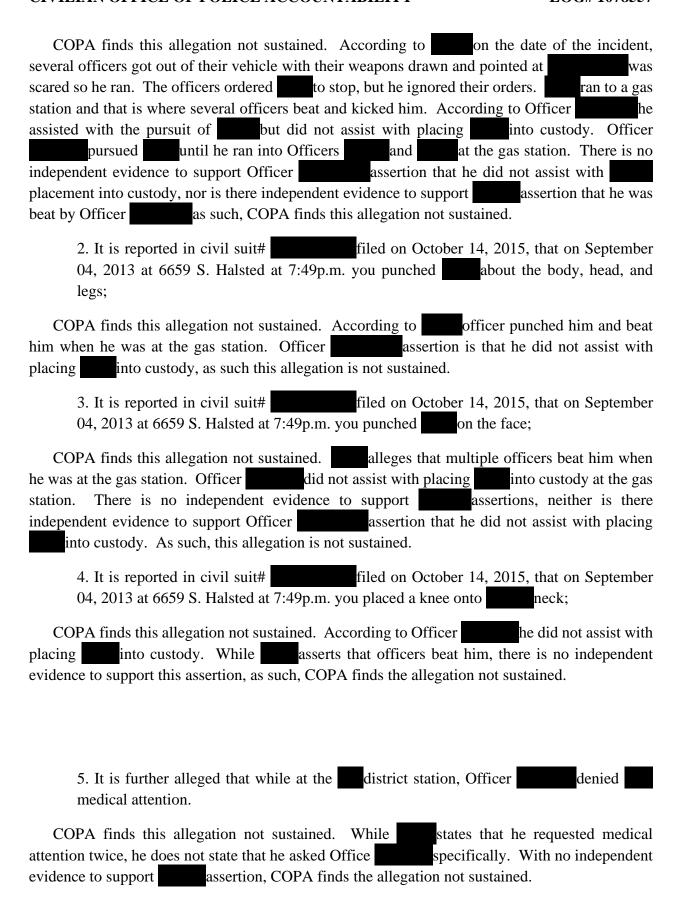
COPA finds this allegation not sustained. According to G03-02-02, a resister is a person who is uncooperative. Resisters are further subdivided into two categories, passive and active. A passive resister is defined as a person who fails to comply with verbal or other direction. An active resister is defined as a person whose actions attempt to create distance between that person and the member's reach with the intent to avoid physical control and or defeat the arrest. Holding techniques can be used on a passive resister and it can be escalated to striking or slapping to disorient the subject. An assailant is defined as a subject who is using or threatening the imminent use of force against himself or another person. Assailants are categorized into three categories. The first category includes actions that are aggressively offensive without weapons. The second category includes actions likely to cause physical injury. The third category is actions likely to cause death or serious physical injury. When a subject is classified as an assailant, direct mechanical techniques such as punching and kicking and powerful locks. These techniques can be combined with take-downs or pins against the ground or other objects.

According to on the date of the incident, several officers got out of their vehicle with their weapons drawn and pointed at was scared so he ran. The officers ordered to stop, but he ignored their orders. Fran to a gas station and that is where several officers beat and kicked him. By own admission he was both an active and passive resister. According ran from the officers and continued to resist even when officers tried to to Officer place him under arrest at the gas station. Officer documents in his TRR that complying and that he used a kick and an emergency takedown to get to comply. These techniques are acceptable under the general order when dealing with a person who is resisting. Officer denied kicking in the face, in the head, and in the stomach. While Officer does admit to doing a swing kick to get to comply, there is no independent evidence to prove or disprove that the kick was excessive. As such, COPA finds the allegation not sustained.

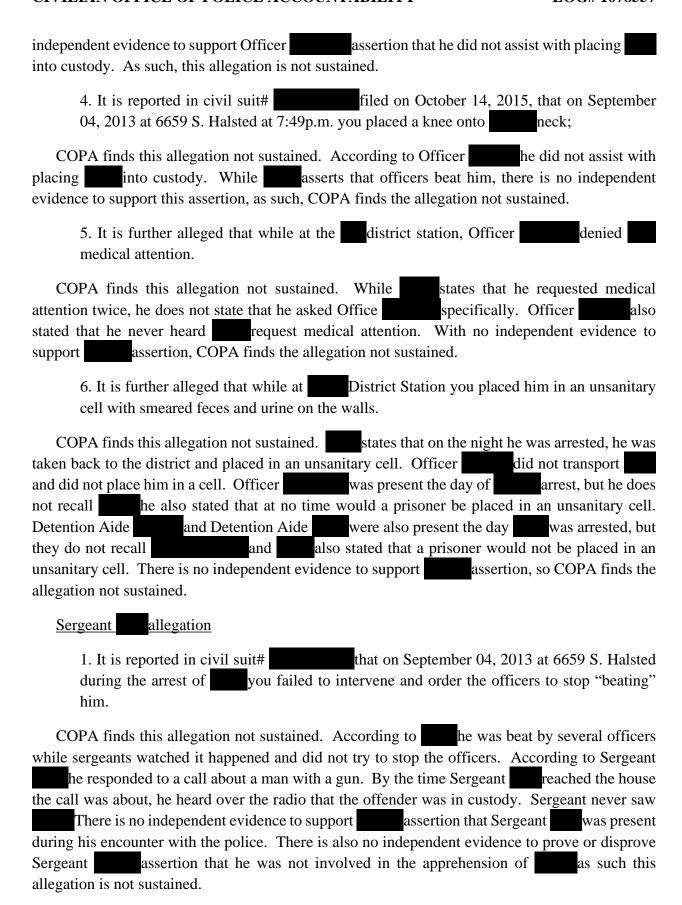
2. It is reported in civil suit# filed on October 14, 2015, that on September 04, 2013 at 6659 S. Halsted at 7:49p.m. you punched about the body, head, and legs;

COPA finds this allegation not sustained. alleges that multiple officers beat him, but he does not identify Officer by name. Officer denied ever punching there is no independent evidence to support assertions, neither is there independent evidence to support Officer assertion that he did not punch as such, this allegation is not sustained.





6. It is further alleged that while at District Station you placed him in an unsanitary cell with smeared feces and urine on the walls.
COPA finds this allegation not sustained. states that on the night he was arrested, he was taken back to the district and placed in an unsanitary cell. Officer was present the day of arrest, but he does not recall he also stated that at no time would a prisoner be placed in an unsanitary cell Detention Aide and Detention Aide were also present the day was arrested, but they do not recall and also stated that a prisoner would not be placed in an unsanitary cell. There is no independent evidence to support assertion, so COPA finds the allegation not sustained.
Officer Allegations
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COPA finds this allegation not sustained. According to on the date of the incident several officers got out of their vehicle with their weapons drawn and pointed at scared so he ran. The officers ordered to stop, but he ignored their orders. The assisted with the pursuit of but did not assist with placing into custody. When Officer observed at the gas station, he was already in custody. There is no independent evidence to support Officer assertion that he did not assist with placement into custody, nor is there independent evidence to support assertion that he was beat by Officer as such, COPA finds this allegation not sustained.
2. It is reported in civil suit# filed on October 14, 2015, that on September 04, 2013 at 6659 S. Halsted at 7:49p.m. you punched about the body, head, and legs;
COPA finds this allegation not sustained. According to officer punched him and bear him when he was at the gas station. Officer assertion is that he did not assist with placing into custody, as such this allegation is not sustained.
3. It is reported in civil suit# filed on October 14, 2015, that on September 04, 2013 at 6659 S. Halsted at 7:49p.m. you punched on the face;
COPA finds this allegation not sustained. alleges that multiple officers beat him when he was at the gas station. Officer did not assist with placing into custody at the gas station. There is no independent evidence to support assertions, neither is there



Sergeant allegation

1. It is reported in civil suit# that on September 04, 2013 at 6659 S. Halsted during the arrest of you failed to intervene and order the officers to stop "beating" him.

COPA finds this allegation not sustained. According to the was beat by several officers while sergeants watched it happened and did not try to stop the officers. According to Sergeant on the date of the incident he responded to a call about a man with a gun. When Sergeant arrived at the scene, he observed sitting on the porch, but then got up and ran. ran around the house to try to catch but had already began running through the alley. Sergeant continued to pursue ended up running to a gas was struggling a little as the officers were trying to station. According to Sergeant did not observe any officers beating

There is no place him into custody. Sergeant assertions, nor is there independent evidence to support independent evidence to support assertions, as such this allegation should be not sustained.

<u>Sergeant</u> <u>allegation</u>

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COPA finds this allegation not sustained. According to the was beat by several officers while sergeants watched it happened and did not try to stop the officers. According to Sergeant she responded to a call about a man with a gun. When she arrived at the scene, she saw officers pursuing and she joined in on the pursuit. However, she stopped her pursuit of when she reached Officer because he had retrieved a gun that had. Sergeant stayed on Union Street with Officer to make sure he was okay. Sergeant did not witness the apprehension of neither did she see after he was apprehended. There is no independent evidence to support assertion that Sergeant was present during his encounter with the police. There is also no independent evidence to prove or disprove Sergeant assertion that she was not involved in the apprehension of as such this allegation is not sustained.

VI. CONCLUSION

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

Officer	Allegation	Finding
Officer	1. It is reported in civil suit# filed on October 14, 2015, that on September 04, 2013 at 6659 S. Halsted at 7:49p.m. you kicked about the face, body, head, stomach and legs;	Not Sustained
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	2. It is reported in civil suit# filed on October 14, 2015, that on September 04, 2013 at	Not Sustained

	6659 S. Halsted at 7:49p.m. you punched about the body, head, and legs;	
	3. It is reported in civil suit# filed on October 14, 2015, that on September 04, 2013 at 6659 S. Halsted at 7:49p.m. you punched on the face;	Not Sustained
	4. It is reported in civil suit# filed on October 14, 2015, that on September 04, 2013 at 6659 S. Halsted at 7:49p.m. you placed a knee onto neck.	Not Sustained
	5. It is further alleged that while at District Station you denied medical attention;	Not Sustained
	6. It is further alleged that while at District Station you placed him in an unsanitary cell with smeared feces and urine on the walls.	Not Sustained
Sergeant	1. It is reported in civil suit# that on September 04, 2013 at 6659 S. Halsted during the arrest of you failed to intervene and order the officers to stop "beating" him.	Not Sustained
Sergeant	1. It is reported in civil suit# that on September 04, 2013 at 6659 S. Halsted during the arrest of you failed to intervene and order the officers to stop "beating" him.	Not Sustained
Sergeant	1. It is reported in civil suit# that on September 04, 2013 at 6659 S. Halsted during the arrest of you failed to intervene and order the officers to stop "beating" him.	Not Sustained

Approved:



Appendix A

Assigned Investigative Staff

Squad#:	
Investigator:	
Supervising Investigator:	N/A
Deputy Chief Administrator:	Angela Hearts-Glass