

SUMMARY REPORT OF INVESTIGATION^{1,2}**I. EXECUTIVE SUMMARY**

Date of Incident:	August 7, 2012
Time of Incident:	7:15P.M. & 10:00P.M.
Location of Incident:	XXXX S. Kenneth Ave & XXXX W. 63 rd St.
Date of COPA Notification:	August 8, 2012
Time of COPA Notification:	8:48A.M.

On August 7, 2012, at approximately 7:21P.M., Officer A and Officer B responded to a disturbance call at XXXXXX Park where they encountered a group of individuals, including Subject 1. The officers approached the group and told them to leave the park area. The officers observed Subject 1 still in the park and tried to approach him again for a field interview. As the officers approached Subject 1, he threatened the officers and rode off on his bike toward Kostner Street; the officers followed. After a pursuit of Subject 1 through the alley, he was tased by Officer A while on his bike. Subject 1 was subsequently arrested by Officer A and Officer B. Later, at the 8th district police station Subject 1's mother, Subject 2, arrived to check on her son. Subject 2 spoke to Officer C at the front desk, then she spoke with Sergeant A. At some point, Subject 2 was detained for video tapping Sergeant A; Subject 2 was subsequently released without charges.

II. INVOLVED PARTIES

Involved Officer #1:	Officer A, Star# XXXXX, Employee #XXXXX, August 14, 2000, Officer ³ , XXX, XXX, 1974, Male, White
Involved Officer #2:	Officer B, Star #XXXXX, Employee #XXXXX, August 25, 2003, Officer, XXX, XXX, 1970, Male, Hispanic
Involved Officer #3:	Officer C ⁴ , Star #XXXXX, Employee #XXXXX, December 4, 1994, Officer, XXX, Male
Involved Officer #4:	Sergeant A, Star #XXXX, Employee #XXXXX, June 29, 1992, Sergeant, XXX, XXX, 1967, Male, White

² 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.

³ Currently a Sergeant

⁴ This Officer is no longer employed by CPD

Involved Officer #5:	Lieutenant A ⁵ , Star#259, Employee #XXX, XXX, 1985, Lieutenant, XXX, Male, White
Subject #1:	Subject 1, XXX, 1990, Male, Black
Subject #2:	Subject 2, XXX, 1968, Female, Black

III. ALLEGATIONS

Officer	Allegation	Finding
Officer A	1. Unnecessarily displayed and/or deployed his taser at Subject 1;	Exonerated
	2. Failed to provide medical attention for Subject 1 after tasing him;	Sustained
	3. Failed to request that a supervisor respond to the scene after the deployment of his taser;	Exonerated
	4. Struck Subject 1 with the police vehicle;	Not Sustained
	5. Was inattentive to duty when he documented in his Tactical Response Report that Subject 1 placed him in imminent threat of receiving a battery.	Exonerated
Officer B	1. Pursued Subject 1 without justification;	Exonerated
	2. Struck Subject 1 with the door of a police vehicle;	Not Sustained
	3. Verbally abused Subject 2 in that he directed profanity toward her;	Not Sustained
	4. Refused to give his name and star number upon request.	Sustained
Officer C	1. Failed to initiate a Log Number on behalf of Subject 1 after being made aware of allegations of misconduct against Chicago Police Department Members.	Exonerated

⁵ No longer employed by CPD

Sergeant A	<p>1. Failed to initiate a Log Number after being made aware of allegations of misconduct against Officers A and B;</p> <p>2. Failed to have Subject 1 immediately transported to the hospital after he had been tasered;</p> <p>3. Directed Police Officers to confiscate Subject 2’s cell phone without justification;</p> <p>4. Directed profanity at Subject 3;</p> <p>5. Was present when Police Officers pointed their guns at Subject 2 and Subject 3 and failed to take action to stop them;</p> <p>6. Handcuffed and placed Subject 2 in custody without justification;</p> <p>7. Released Subject 2 without charging her and without obtaining proper authorization to release her.</p>	<p>Not Sustained</p> <p>Sustained</p> <p>Sustained</p> <p>Unfounded</p> <p>Not Sustained</p> <p>Sustained</p> <p>Exonerated</p>
Lieutenant A	<p>1. Failed to initiate a Log Number after being made aware of allegations of misconduct against Chicago Police Department Members.</p>	<p>Sustained</p>

IV. APPLICABLE RULES AND LAWS

Rules

Rule 1: Violation of any law or ordinance.

Rule 3: Any failure to promote the Department's effort to implement its policy or accomplish its goals.

Rule 5: Failure to perform any duty.

Rule 8: Disrespect to or maltreatment of any person, while on or off duty.

Rule 9: Engaging in any unjustified verbal or physical altercation with any person, while on or off duty.⁶

Rule 10: Inattention to duty.

Rule 22: Failure to report to the Department any violation of Rules and Regulations or any other improper conduct which is contrary to the policy, orders or directives of the Department.

Rule 37: Failure of a member, whether on or off duty, to correctly identify himself by giving his name, rank and star number when so requested by other members of the Department or by private citizen.

Rule 38: Unlawful or unnecessary use or display of a weapon.

General Orders

1. G08-01-02 Specific Responsibilities Regarding Allegations of Misconduct

B. Initiation Responsibilities and Procedures:

1. When misconduct is observed or a complaint relative to misconduct is received by a non-supervisory member, such member will immediately notify a supervisory member and prepare a written report to the commanding officer containing the information received, observations made, and action taken.⁷
2. When misconduct is observed or a complaint relative to misconduct is received by supervisory or command personnel, they will initiate a complete and comprehensive investigation in accordance with this and other directives without looking to higher authority for such action.
3. When reports of alleged or suspected violations are received, the supervisor or command officer who first receives information of the alleged violation will:
 - a. report the information to the Independent Police Review Authority by telephone within one hour after the information is received.

⁶ Rules 8 and 9 prohibit the use of any excessive force by any member. These rules prohibit all brutality, and physical or verbal maltreatment of any citizen while on or off duty, including any unjustified altercation of any kind.

⁷ The General Orders referenced above are the General Orders effective at the time of the incident.

2. G03-02-02 Force Options

- I. This directive explains the Various levels of force options in the Use of Force Model that are appropriate for Department members' use when interacting with cooperative subjects, resistive subjects ("resisters"), and assailants.
- III. Level of Force Response Options Guidelines
 - B. Resister: a person who is uncooperative. Resisters are further subdivided into two categories:
 1. Passive resister: a person who fails to comply (non-movement) with verbal or other direction.
 2. Active Resister: 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. This type of resistance includes gestures ranging from evasive movement of the arm, through flailing arms, to full flight by running. In addition to the response options listed in Item III-A and III-B-1, the following response options are appropriate when dealing with an active resister:
 - f. Taser
 - (1) The Taser is a device used to control and subdue a subject through the application of electrical impulses that override the central nervous system and cause uncontrollable muscle contractions.
 - C. Assailant: a subject who is using or threatening the imminent use of force against himself/herself or another person. The Use of Force Model categories assailants into three categories.
 1. Actions are aggressively offensive without weapons. This type of assailant is one who places a member in fear of a battery and includes advancing on the member in a threatening manner or closing the distance between the assailant and the member, thereby reducing the member's reaction time.

Special Orders

1. S03-02-02 Other Weapons Discharge Incidents

- I. Purpose

This directive outlines Department investigative and reporting procedures in which a member has:

 - A. discharged a chemical agent
 - B. discharged a Taser
 - C. discharged a firearm to destroy an animal
 - IV. Discharge of a Taser
 - A. Member Responsibilities
 2. A member who deploys or anticipates the deployment of a Taser will request that a supervisor respond to the scene.
 3. The member who field-deployed the Taser will:
 - a. immediately, upon gaining control and restraining the subject:
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- (1) request that OEMC assign emergency medical personnel when:
- (a) The taser probes were discharged and penetrated a subject's skin.
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V. INVESTIGATION⁸

IPRA, and subsequently COPA, gathered relevant documentation and conducted interviews of the complainants, civilian witnesses, accused officers and witness officers during the course of the investigation. The relevant substance of these investigative steps is detailed as follows.

a. Interviews

IPRA interviewed complainant Subject 1 on August 14, 2012, at 4:45P.M. at the IPRA offices. According to Subject 1, the incident occurred on August 7, 2012, between 6:00P.M. and 6:30P.M. The incident began at XXXXXX Park where Subject 1 was at the park riding his bike. Subject 1 saw two females that he recognized, so he stopped to talk to them; other people started to join the group. Soon thereafter two Chicago police officers pulled up and told the group, "Y'all gotta get outta the park, we getting complaints." At that point, one of the females in the group spit on the ground. According to Subject 1, the officer, whom he described as Russian, asked the female "if she was stupid or something." Subject 1 and the other members of the group explained to the female that she shouldn't spit. The officers left them alone at that point and they left the park. Subject 1 then went across the street from the park.

According to Subject 1, he was standing on the corner trying to decide where he was going to go next. At that point he saw his brother, Subject 3, sitting inside the park. Subject 1 went back into the park to tell him that they had to leave the park. According to Subject 1, the officers told his brother Subject 3 and his friend that they had to leave the park. At that point, the officers began to approach Subject 1 again. The officers began backing their squad car up toward his direction and the driver⁹ told Subject 1, "don't let me catch y'all in this park again, or I'm going to tase y'all." Subject 1 left the park and started to ride his bike home. As Subject 1 got past Kostner, he saw the same officers from the park driving down the street in their vehicle, now at a high rate of speed. When Subject 1 looked up, he saw Officer A with his taser pointed at him from the window. The officer told Subject 1 "get on the ground, get on the ground, get off the bike." According to Subject 1, the officers were still coming toward him with their vehicle and he thought they were going to hit him so he tried to maneuver out of their way; Subject 1 explained that he started to ride in front of the police vehicle, through the alley. At that point, Subject 1 stated that he was tased by the driver of the police vehicle. Subject 1 was tased in the right side of his back, with only one prong striking him, causing numbness in his lower body.

⁸ COPA conducted a thorough and complete investigation. The following is a summary of the material evidence gathered and relied upon in our analysis.

⁹ Now known as Officer A

After being tased, Subject 1 kept pedaling the bike. Subject 1 stated that the officers tried to force him into a garage until they finally hit him with their vehicle, which caused him to fall off his bike. According to Subject 1, as he was falling off the bike, Officer B opened the passenger door and the door hit him. Subject 1 grabbed on to the door so he didn't hit the ground. Subject 1 then ran through a gangway to get to a neighbor's front lawn. The officer who was the passenger in the police vehicle began to chase him. As soon as Subject 1 reached the front lawn, he got down and initially put his hands behind his back. As the officer approached him, he rolled over. According to Subject 1 he noticed the officer jump in the air with his knee raised and Subject 1 rolled over so that the officer missed him. At that point, Subject 1 stated that officer started to pull on him in an attempt to get his hands behind his back. Subject 1 admitted to moving around while the officer was trying to get control of his arms. Once Subject 1 was finally placed into handcuffs, he was placed into the police vehicle.

Subject 1's brother, Subject 3, came to see what was going on and called his mother. When Subject 1's mother came to the scene, she asked the officers what happened with her son. When the officers opened the vehicle's door, Subject 1 told his mother that he was hit by the police vehicle. Subject 2 asked the officers for their badge numbers. According to Subject 1, the driver told his mother "we ain't gotta give you shit" before entering the police vehicle and driving away. The officers drove to 79th and Pulaski where a sergeant was parked in his vehicle. The officers stopped and talked to the sergeant for approximately thirty minutes. They then proceeded to the station.

According to Subject 1, the officers then placed him into a holding cell. A sergeant entered and asked him to raise his shirt, so that he could see where he was tased. Subject 1 stated that he stayed in the holding cell for several hours. During that time, he asked the sergeant "to go to the hospital" and the sergeant told him "no." Ultimately, however, Subject 1 was allowed to go to the hospital some time later, arriving at 11:00P.M. Subject 1 stated that his left leg was injured and that his left foot was "run over" by the police vehicle.¹⁰

IPRA interviewed Subject 3 on August 14, 2012, at 4:33P.M. at the IPRA offices. According to Subject 3, the incident began in XXXXXX Park and continued into the alley. On the date of the incident, Subject 3 was in the park sitting with some friends. Subject 3 left the park to go to the store, and upon his return, he saw his friends leaving the park. He asked, "why they were leaving" and his friends told him that "the police just came and told them to get out of the park." Subject 3 and his friends started to walk towards Kenneth street, but Subject 3 and a female friend stopped and walked back into the park near the swings. Subject 3 was sitting on the swings in the park when his brother, Subject 1, rode up on his bike and asked him "when he was going to the house."

The officers then entered the park driving a Tahoe and told Subject 1 "to get out of the park before they lock him up." As Subject 1 was riding off, the officers said, "hurry up and get your ass out of the park before we tase you." Subject 1 proceeded to ride his bike towards Kostner Street. While Subject 1 was riding his bike, the officers accelerated and drove their vehicle toward Subject 1. According to Subject 3, the officers put the vehicle in reverse and started to reverse the vehicle to try to hit Subject 1 with their vehicle. The officers then sat in the

¹⁰ att. 26, 29, & 30

street for about a minute, then they began to drive forward toward the direction of Subject 1. Subject 3 then began running towards Subject 1. As he was running, Subject 1 turned into an alley. At that point, the officer¹¹ driving the Tahoe took out his taser and discharged it at Subject 1.

Subject 3 explained that only one of the “lines” hit Subject 1 so he kept riding his bike toward his house. Subject 3 called his parents and told them to come outside. According to Subject 3, while Subject 1 was trying to ride his bike home, the officers hit the bike’s front tire and ran over the front tire of the bike with their vehicle. Subject 1 ran toward his house, and when he reached the front of his neighbor’s house, he stopped and put his hands up. The officers put Subject 1 in handcuffs and picked him up and placed him in their Tahoe.

According to Subject 3, the Officer on the passenger side approached him and told him “move the fuck around before I tase you.” At this point, Subject 3’s mother arrived on the scene and began asking the officers what was going on and asking for the officers’ badge numbers. The officers told her to “get the fuck away from the car.” Subject 1 told his mother that the officers hit him with their vehicle. The officers got into their vehicle and pulled off. Subject 2 got into her vehicle and drove to the police station. Subject 3 got into the car with his father and also went to the police station. Subject 2 went into the station to see about her son. While she was inside the station, Subject 3 was sitting outside in the car in front of the station.

Subject 3 stated that he observed his mother coming out of the station, at which time she threw her phone and keys to him. Several officers came out of the station behind her and placed her into handcuffs. Other officers approached Subject 3 and ordered him to give them the keys and the cell phone. Subject 3 complied and gave the officers the phone and keys. Subject 3 then pulled out his own cell phone to make a call, at which time an officer pointed a firearm at his head and stated, “give up the fuckin’ phone right now.” Subject 3 gave the officer his phone.

Subject 3 then got into the car and put the car in reverse and pulled off. A police Tahoe pulled up behind him and started to chase him. According to Subject 3, as he and the officers approached an alley, the officers were cut off by another car and they had to stop, while Subject 3 continued to drive. Subject 3 drove the car back home to tell his father what happened. About an hour later, Subject 2 was released from the station. According to Subject 3, the officers gave his mother back her phone and his phone.¹²

IPRA interviewed complainant Subject 2 on August 14, 2012, at 4:35P.M. at the IPRA offices. According to Subject 2, on the date in question, she was with her husband running errands. Subject 1 and Subject 3 were at XXXXXX Park. Subject 2 saw her sons in the park and had her husband pull over so she could talk to them. After making sure everything was okay, she proceeded home to do her homework. According to Subject 2, she lives four or five blocks from XXXXXX Park.

Shortly thereafter, Subject 2 heard a car hit a nearby garage. Subject 2’s husband told her that someone was chasing Subject 1. Subject 2 proceeded to exit the back door of her home.

¹¹ Officer A

¹² att. 27, 31

When Subject 2 made it to the alley, she saw Subject 1's bike mangled on the ground, along with his shoes. The neighbors told Subject 2 that the police SUV had hit Subject 1 and they threw him in the back of the SUV. Subject 2 ran inside the house grabbed her keys, entered her car, and proceeded to drive eastbound on XXth Street. When she reached Kostner, she observed the police vehicle with Subject 1 inside it. Subject 2 asked the officers, "what was going on, what are you charging him with?" One officer responded with profanity and stated, "I'm not telling you a mother fuckin' thing. He's over 21 years old, I'm not telling you a mother fuckin' thing." According to Subject 2, she also heard the driver of the police vehicle call Subject 1 a nigger.

Subject 2 went past the officers and asked Subject 1 if he was alright. The officers told Subject 2 "to step away from the vehicle." According to Subject 2, Subject 1 yelled out the window that "they hit him with the truck and that he was hurt." Subject 2 asked the officers for their badge numbers and names. The officers told her, "we're not giving you a mother fuckin' thing" and entered their police vehicle. Subject 2 entered her vehicle and started to follow the officers, but she lost sight of them. She then proceeded directly to the police station on 63rd and St. Louis. When the officers finally arrived at the station, they pulled up to the back of the station and six more officers came outside.

According to Subject 2, she was across the street and she was yelling to Subject 1 "that she was right there and don't let the police intimidate him." The officers then took Subject 1 inside the station. Subject 2 stayed outside the station making phone calls and then went inside to talk to Sergeant A. When she first walked in, she spoke to Officer C who told her "EMS had seen her son already." Subject 2 told Officer C that "she had been there the whole time and she never saw EMS arrive." Officer C went in the back and came back and told Subject 2 that "he saw her son and he looked alright." Another Officer told Officer C to stay out of it and that Sergeant A was handling it. Subject 2 gave Officer C her phone number and she left the station. Subject 2 called a CPD Sergeant that she knows personally, and that Sergeant told her "to go back inside the station and talk to Sergeant A."

Subject 2 went back inside the station to speak with Sergeant A. Subject 2 asked Sergeant A "if her son was okay," he told her "he could not give her any information since her son was over 21." Subject 2 asked, "if her son was okay again," at that point Sergeant A told her "she needed to get out of his station." Subject 2 told Sergeant A "thank you for the information" and grabbed her phone and started to leave the station. Sergeant A then yelled, "get her phone, get her phone." When Subject 2 looked back there were over fifteen (15) officers running toward her. As she made it out the door, the officers drew their firearms and handcuffed her. Subject 2 was trying to throw her phone into the car. Her son Subject 3 managed to put her phone in his pocket, but officers pointed a gun at Subject 3's head and Sergeant A demanded the phone, so Subject 3 turned over the phone. Subject 2 was taken back inside the police station and placed in a holding area. Eventually Subject 2 was released without charges. She called a friend to pick her up but when the friend arrived, she waited and followed the officers who took Subject 1 to the hospital. According to Subject 2 the officers that took Subject 1 to the hospital were on a different shift than the ones who hit him.¹³

¹³ atts. 28, 32

IPRA interviewed Officer A on August 14, 2014, at the IPRA offices. On the date in question, Officer A was working with his partner Officer B. According to Officer A, they were responding to a disturbance call at XXXXXX Park regarding a group of people harassing two younger Hispanic girls. Officer A was driving a marked Chevy Tahoe and Officer B was the passenger. When Officer A arrived at XXXXXX Park, he observed a group of males and females sitting on a bench that matched the description provided by OEMC. Officer A approached Subject 1 because he was with the group that was causing the disturbance. When Officer A approached Subject 1, he was on his bike in the playlot. Officer A attempted to approach Subject 1 for a field interview. As Officer A proceeded to get out of the vehicle, Subject 1 stated, “you try and catch me and I’ll fuck you up,” and then proceeded to ride westbound on his bike. After making that threat, Officer A pursued Subject 1. When Officer A reached XXth Street and Kostner, Subject 1 stopped his bike and again made a verbal threat. According to Officer A, Subject 1 stated, “what are you bitches gonna do, I’ll fuck you up,” and he started to move toward the officers’ vehicle. Officer A was still seated in his vehicle when Subject 1 made the second threat.

According to Officer A, he was in fear of receiving a battery so he deployed his taser. Officer A deployed his taser from the driver’s seat of his vehicle. Officer A yelled “taser, taser, taser” to give a warning and then deployed his taser. The vehicle was stopped when Officer A deployed his taser. According to Officer A, Subject 1 was slowly coming toward the vehicle when he brought the taser up. As Officer A brought the taser up, Subject 1 turned and ducked to move away to avoid the taser. One barb struck Subject 1 and the other one missed him. Subject 1 pulled the taser barb out and continued to flee southbound on his bike. According to Officer A, he continued to pursue Subject 1 and Subject 1 crashed into some garbage cans. Subject 1 immediately got up and fled on foot. Officer A’s partner, Officer B, got out of the vehicle and pursued Subject 1 on foot through a gangway. Officer A continued his pursuit of Subject 1 with the vehicle. By the time Officer A made it to the front of the gangway, Officer B had Subject 1 in custody. Subject 1 was searched for weapons and placed inside their vehicle. On the way to the station, Officer A stopped to notify his sergeant that he deployed his taser. Officer A then proceeded to the district to do paperwork. Officer A also noted that when he was doing his paperwork, both Sergeant A and Lieutenant A inspected the vehicle and verified that there was no damage to it. Officer A stated that he went over the air and notified OEMC that he deployed his taser.¹⁴

IPRA interviewed Officer B on September 10, 2014, at the IPRA offices. According to Officer B, on the date in question, he was working with Officer A in a marked Chevy Tahoe. Officer B was responding to a call of individuals sitting on a bench causing a disturbance and possibly selling drugs. Officer B and his partner approached the group and told them to leave the playground area. According to Officer B, he and his partner left for about five to ten minutes; but the group did not leave so they came back. When they came back, the group was very disrespectful and stated, “fuck this, fuck that.” According to Officer B, Subject 1 stated, “I’m going to fuck you up” and took off on his bike holding his side. Officer B and his partner pursued Subject 1.

¹⁴ atts. 37-40

Subject 1 stopped his bike and Officer A deployed his taser at Subject 1. According to Officer B, Subject 1 continued to ride his bike southbound in the alley. Officer A cut him off, and Subject 1 crashed into some garbage cans. As Officer B was trying to get out of the vehicle, Subject 1 pushed the door to prevent him from getting out of the vehicle. Subject 1 then ran northbound in the alley and Officer B pursued him.

According to Officer B, he kept telling Subject 1 to stop, and when he finally caught up to Subject 1 he was resisting arrest. Subject 1 started making more verbal threats, telling the officer “fuck you, I’ll fuck you up.” Officer B performed a takedown and placed Subject 1 in handcuffs. According to Officer B, Subject 1 was still making verbal threats and stated something about “harming their families.” Officer B and Officer A met with Sergeant A before heading to the station. According to Officer B, anytime somebody asks for his badge number, he tells them it’s clearly displayed on his uniform and anybody can see it.¹⁵

IPRA interviewed Sergeant A on November 18, 2014, at the IPRA offices. According to Sergeant A, on the date in question he met with Officer A and Officer B at 79th and Pulaski. According to Sergeant A, the Officers informed him that a taser was deployed and that they had to leave the area because a crowd was forming. Sergeant A informed them to go back to the station and he would meet them there.

At the station, Sergeant A had an encounter with Subject 2. According to Sergeant A, Subject 2 began yelling and “mother fucking” him and the district personnel. When Subject 2 first entered the station, she spoke with Officer C. Officer C asked Sergeant A to come and talk to Subject 2 because she was acting out of control.

According to Sergeant A, he asked Subject 2 to step back to the other side of the secure area and told her that once he was finished with some paperwork he would help her. Subject 2 continued with the insults and “mother fucking” him. Sergeant A informed her that if she did not calm down she would be placed under arrest. Subject 2’s last statement was that “I’m recording your ass bitch.” At that point, Sergeant A informed Subject 2 that she was under arrest. She started running toward the front doors, and Sergeant A moved to stop her. As Sergeant A jumped down the stairs, he felt a pain in the back of his right calf. Other officers assisted and detained Subject 2 outside the station and brought her back in for processing. According to Sergeant A, Subject 2 was not charged with anything, but an arrest report was generated. Sergeant A wanted to charge Subject 2 with disorderly conduct, criminal trespass, and recording with a cell phone. According to Sergeant A, he spoke to Lieutenant A and Lieutenant A informed him that the charge regarding the recording with the cell phone was unconstitutional, and that he would not be charging Subject 2 with anything. Sergeant A then went to the hospital for his injury.¹⁶

IPRA interviewed Officer D on February 4, 2015 at the IPRA offices. According to Officer D, on the date in question, he was inside the 8th district police station and he observed Subject 2 and Sergeant A having a conversation. Officer D was about 50 to 60 feet from the two. Officer D did not hear the conversation, but he heard Subject 2 speaking loudly and talking

¹⁵ atts. 42, 46

¹⁶ atts. 56-58

over Sergeant A. Officer D then saw Subject 2 leaving in a brisk manner and he heard Sergeant A yell “stop her.” Officer D followed Sergeant A outside to the front and assisted him in placing Subject 2 in handcuffs.

According to Officer D, once everybody was outside in front of the station, Sergeant A informed Subject 2 that she was being arrested for video tapping him. She was then taken back into the station and placed in a holding cell. According to Officer D, Subject 2 was irate while in the holding cell and she continued to ask about her son. Officer D then went to go get Lieutenant A to speak to Subject 2. Subject 2 was then released without charges.¹⁷

IPRA Interviewed Officer C on February 4, 2015 at the IPRA offices. According to Officer C, he was sitting at the front desk in the 8th District on the date of the incident. Subject 2 approached Officer C at the desk and was inquiring about her son Subject 1. Officer C described Subject 2’s demeanor as angry, but also concerned. Subject 2 asked Officer C the circumstances under which her son was arrested; she was also concerned that he could have been injured. Subject 2 also asked Officer C for the names and badge numbers of the officers involved in her son’s arrest. Officer C did not provide the requested information, but informed Subject 2 that he would get their Sergeant.

At that point, Officer C informed Sergeant A that Subject 2 wanted to speak to him. Sergeant A came to the front desk and had a conversation with Subject 2. According to Officer C, he did not hear anything Subject 2 was saying to Sergeant A. Officer C observed Subject 2 running toward the front door and Sergeant A running behind her and saying, “stop her.” Subject 2 was escorted back into the station by Officer D and taken back to the processing room. According to Officer C, Subject 2 never stated that she wanted to file a complaint, as she was only inquiring about her son’s health.¹⁸

IPRA interviewed Lieutenant A on February 13, 2015 at the IPRA offices. On the date in question, Lieutenant A heard a commotion in the lobby of the police station and he went to see what was going on. He observed Sergeant A and Officer D escorting Subject 2 to lockup. Once Subject 2 was secured, Sergeant A came into Lieutenant A’s office to explain what happened. According to Lieutenant A, Sergeant A explained that he arrested Subject 2 for filming him. Lieutenant A informed Sergeant A that he thought the charge was invalid and that he would call the Assistant State’s Attorney for further information. The attorney informed Lieutenant A that the charge was now unconstitutional. Lieutenant A ensured that the arrest report was completed and then released Subject 2 without charges.¹⁹ Lieutenant A did speak to Subject 2 about her son.

Lieutenant A also spoke to Subject 1, who informed Lieutenant A that he was struck by a police vehicle and that his leg was injured. Lieutenant A then spoke with the arresting officers and reviewed the reports. Lieutenant A concluded that the incident never occurred. Lieutenant A did not inspect the vehicle that the arresting officers were driving. The arresting officers informed him that Subject 1 was not hit by the vehicle, but fell off his bike while attempting to

¹⁷ atts. 68-69

¹⁸ atts. 71-72

¹⁹ It should be noted that the charges against Subject 2 were not approved and later dropped.

remove the taser probes from his back.²⁰ According to Lieutenant A he classified Subject 1's complaint as a traffic accident rather than an allegation of misconduct.²¹

Digital Evidence

Photographs reportedly taken on August 8, 2012 by Subject 1's mother, Subject 2, depict scrapes/abrasions on the top of the toes of Subject 1's left foot. There are also abrasions and discoloration to Subject 1's left leg, on the back of his right arm, and there is an abrasion on the right side of his back. Additionally, there is a photo of a marked Tahoe police vehicle, and a subject on a bicycle seemingly pedaling away from the police vehicle. Due to the quality of the photo, it cannot be confirmed if this is Officer A and Officer B's vehicle, nor can it be confirmed that the subject on the bicycle is Subject 1.²²



Subject 1's right leg



Subject 1's arm

²⁰ This issue is addressed in the analysis section of this report

²¹ atts. 74, 78

²² att. 23



Subject 1's left foot



Subject 1's back (right side)



Police SUV and citizen riding a bike

b. Physical Evidence

Medical records obtained from Holy Cross Hospital indicated Subject 1 arrived at the emergency room in police custody on August 7, 2012 at 11:32P.M. Subject 1 complained of left leg pain and numbness. Subject 1 told hospital personnel that CPD tried to tase him and then hit him on the left side of his body with their truck. Abrasions were noted on Subject 1's toes on his left foot. The medical diagnosis and disposition was lower left leg pain and contusions. The radiology report documented that there were no fractures or dislocations of the left tibia and fibula.²³

c. Documentary Evidence

1. Case Report (XXXXXXXX) & Arrest Report

The case report and arrest report document that on August 7, 2012 at 7:21P.M., Subject 1 was arrested by Officers A and Officer B for simple assault and resisting. According to the narrative, Officers A and B responded to a disturbance call at XXXXXX Park. It was reported that several males and a female were harassing a little girl. Officers A and B observed Subject 1 in the playground of the park a few minutes after they told him to leave. Officers A and B ordered Subject 1, who was on a bike, to stop so they could conduct a field interview and complete a contact card. As the officers began to exit their vehicle, Subject 1 said, "You try and catch me, and I'll fuck you up!" Subject 1 rode away on a bicycle and Officers A and B approached Subject 1 at XXth and Kostner Avenue. Subject 1 said, "What are you bitches gonna do. I'll fuck you up!" Subject 1 then turned his bike toward the police vehicle. Officer A, in fear of receiving a battery, stated, "taser, taser, taser." Subject 1 turned and attempted to flee as

²³ att. 25

Officer A deployed his taser. One probe struck Subject 1 in the right side of his back. He pulled the probe out, lost his balance on the bike and fell against a garbage can. Subject 1 got up and fled on foot with Officer B in pursuit. Officer B conducted an emergency take down and placed Subject 1 in custody.²⁴

2. Tactical Response Report of Officer A

The TRR completed by Officer A documented his contact with Subject 1. The report notes that Subject 1 did not follow verbal direction, fled, and he became an imminent threat of battery. Officer A responded with verbal commands and he discharged his taser. The report also notes that only one probe made contact and Subject 1 reached back and ripped the taser probe from his right side back area.²⁵

3. Officer Battery Report of Officer A

The OBR completed by Officer A documented the manner of attack as verbal threats and there was no injury to the officer.²⁶

4. Tactical Response Report of Officer B

The TRR completed by Officer B documented his contact with Subject 1. The report notes that Subject 1 did not follow directions, stiffened, and pulled away. The report also notes that Officer B gave verbal commands and performed an emergency take down.²⁷

5. Arrest Report of Subject 2

The arrest report for Subject 2 indicated that she was arrested for eavesdropping official duties.²⁸ The narrative of the arrest report states that Subject 2 entered the 8th district police station and became loud while speaking with Sergeant A. It further states that Subject 2 was using a cell phone to video tape Sergeant A without his permission.²⁹

VI. ANALYSIS

A. Accused Officer A, Star #XXXXX

Allegation #1: On August 7, 2012, at approximately 7:21P.M., in the vicinity of XXXX S. Kostner Avenue, in the alley, Officer A unnecessarily displayed and/or deployed his taser at Subject 1, in violation of rule 38.

With regards to Allegation #1, COPA recommends a finding of **Exonerated**. General Order G03-02-02 allows an officer to use a taser when the subject the taser is used on is classified as an active resister or an assailant. 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

²⁴ att. 5, 6

²⁵ att. 7

²⁶ att. 8

²⁷ att. 9

²⁸ It should be noted that the charges against Subject 2 were not approved and later dropped.

²⁹ att. 55

avoid physical control and/or defeat arrest. This type of resistance includes gestures ranging from evasive movement of the arm, through flailing arms, to full flight by running. An assailant is a subject who is using or threatening the imminent use of force against himself/herself or another person. The assailant category is further broken down to three categories. The first category is defined as actions aggressively offensive without weapons. This type of assailant is one who places a member in fear of a battery and includes advancing on the member in a threatening manner or closing the distance between the assailant and the member.

In a recorded statement to IPRA, Officer A stated Subject 1 threatened him verbally and rode away on his bicycle. Officer B backs up this statement in his interview. Officer A pursued Subject 1 as he pedaled away in order to arrest him for the threat he made to the officers. According to Officer A, Subject 1 threatened the officers a second time and was slowly moving toward the police vehicle when Officer A tased him. According to Officer A, he was in fear of receiving a battery because of Subject 1's prior threats coupled with the fact that Subject 1 was moving closer to the Officer's vehicle. At this point, Subject 1 could be considered the first category of assailant and the General Order gives the officer the option of using a taser.

Alternatively, in a recorded statement to IPRA, Subject 1 stated that while he was riding his bike, the officer told him "get on the ground, get on the ground, get off the bike." Subject 1 continued to ride his bike away from the officers. According to the General Order, Subject 1 could be classified as an active resister based on his own statement and the officers had the right to use the taser as a method to gain control. As such, the allegation should be **Exonerated**.

Allegation #2: On August 7, 2012, at approximately 7:21P.M., in the vicinity of XXXX S. Kostner Avenue, in the alley, Officer A failed to provide medical attention for Subject 1 after tasing him, in violation of rule 10.

With regards to Allegation #2, COPA recommends a finding of **Sustained**. Special Order S03-02-02 requires a member who deployed a taser to request that OEMC assign emergency medical personnel when the taser probes penetrate a subject's skin. In a recorded statement to IPRA, Officer A admitted to using his taser on Subject 1. According to Officer A, when he deployed his taser, one barb struck Subject 1 and the other one missed him. In a recorded statement to IPRA, Subject 1 stated that only one prong hit him so he was only numbed in his lower body. According to Officer A, Subject 1 pulled the taser barb out and continued to flee southbound. Once Subject 1 was tased, he was placed into custody and Officer A drove Subject 1 to XXth and Pulaski Road to meet with Sgt. A. Officer A then drove Subject 1 to the Xth district police station and placed him in a holding cell. Subject 1 did not receive medical treatment until several hours later after Officer A's shift had ended. The probe that made contact with Subject 1 penetrated his skin. As such, the allegation should be **Sustained**.

Allegation #3: On August 7, 2012, at approximately 7:21P.M., in the vicinity of XXXX S. Kostner Avenue, in the alley, Officer A failed to request that a supervisor respond to the scene after the deployment of his taser, in violation of rule 5.

With regards to Allegation #3, COPA recommends a finding of **Exonerated**. According to Special Order S03-02-02, a member who deploys or anticipates the deployment of a taser will

request that a supervisor respond to the scene. Officer A admitted to using his taser on Subject 1. In a recorded statement to IPRA, Officer A stated that once Subject 1 was tased, he was subsequently arrested and Officer A drove to XXth and Pulaski to meet with Sergeant A and appraise him of the situation. In a recorded statement to IPRA Sergeant A related that the officers informed him that a taser was deployed and that they had to leave the area because a crowd was forming. In a recorded statement to IPRA both Subject 3 and Subject 2 state that they were on the scene. While the Special Order requires that a Sergeant be called to the scene, the officers could not stay at the scene because of safety issues. After Subject 1 was handcuffed and placed in the officer's vehicle, Officer A immediately met with Sergeant A to inform him of the situation and the taser deployment. As such, the finding for this allegation should be **Exonerated**.

Allegation #4: On August 7, 2012, at approximately 7:21P.M., in the vicinity of XXXX S. Kostner Avenue, in the alley, Officer A struck Subject 1 with the police vehicle, in violation of rule 1.

With regards to Allegation #4, COPA recommends a finding of **Not Sustained**. In a recorded statement to IPRA, Subject 1 stated Officer A struck him with the police SUV after he was tased. According to Subject 1, the impact caused him to hit a garage and fall off his bike. Subject 1's brother, Subject 3, said the police vehicle struck the front tire of his brother's bike, which caused him to fall off his bike. Subject 3 never stated that he saw the officers' vehicle strike Subject 1. In a recorded statement to IPRA, Officer A denied that he struck Subject 1 while he was on his bike with the police SUV.

While Subject 1 told hospital personnel he had been hit by a police vehicle, the medical report only documented abrasions to Subject 1's toes on his left foot as well as lower left leg contusions. The radiology report documented that there were no fractures or dislocations of the left tibia and fibula. There are also pictures taken by Subject 2 that depict abrasions to Subject 1's left foot. According to Officer A, Subject 1 crashed his bike into some garbage cans and fell off his bike. In a recorded statement to IPRA, Subject 1 admitted to moving around on the ground with Officer B as Officer B was trying to place him into handcuffs. Subject 1 claimed that he was hit by the officers' vehicle, however the medical report does not document injuries indicative of being hit by an SUV. As such, there is insufficient evidence to prove or disprove this allegation so the finding should be **Not Sustained**.

Allegation #5: On August 7, 2012, at approximately 7:21P.M., in the vicinity of XXXX S. Kostner Avenue, in the alley, Officer A was inattentive to duty when he documented in his Tactical Response Report that Subject 1 placed him in imminent threat of receiving a battery, in violation of rule 10.

With regards to Allegation #5, COPA recommends a finding of **Exonerated**. In a recorded statement to IPRA, Officer A stated that when he first tried to approach Subject 1, he threatened the Officer. According to Officer A, Subject 1 stated, "you try and catch me and I'll fuck you up." Officer A stated that Subject 1 also threatened the officers a second time by stating "what are you bitches gonna do, I'll fuck you up," and he started moving toward the

vehicle. According to Officer A he was in fear of receiving a battery and he documented this in his tactical response report. As such, this allegation should be **Exonerated**.

B. Accused Officer B, Star #XXXXXX

Allegation #1: On August 7, 2012, at approximately 7:21P.M., in the vicinity of XXXX S. Kostner Avenue, Officer B pursued Subject 1 without justification, in violation of rule 1.

With regards to Allegation #1, COPA recommends a finding of **Exonerated**. In a recorded statement to IPRA, Officer B stated that he and his partner were threatened by Subject 1 and that is why he pursued Subject 1. Officer A also collaborated his partner's statement that they were verbally threatened by Subject 1. Once Subject 1 threatened the officers, the officers were going to arrest him and he rode off on his bike. The officers pursued Subject 1 because they were going to place him under arrest. According to the arrest report, Subject 1 was arrested for assault because of the verbal threats made towards the officers. Officer B had a reason to pursue Subject 1, so this allegation should be **Exonerated**.

Allegation #2: On August 7, 2012, at approximately 7:21P.M., in the vicinity of XXXX S. Kostner Avenue, Officer B struck Subject 1 with the door of a police vehicle, in violation of rule 9.

With regards to Allegation #2, COPA recommends a finding of **Not Sustained**. In a recorded statement to IPRA, Subject 1 stated that the passenger of the police vehicle opened the door and the door hit him. In a recorded interview with IPRA, Officer B denied striking Subject 1 with the vehicle's door. According to Officer B, Subject 1 pushed the vehicle's door to prevent Officer B from getting out of the vehicle.

The medical report only documented abrasions to Subject 1's toes on his left foot as well as lower left leg contusions. The radiology report documented that there were no fractures or dislocations of the left tibia and fibula. There are also pictures taken by Subject 2 that depict abrasions to Subject 1's left foot and arm. According to Officer A, Subject 1 crashed his bike into some garbage cans and fell off his bike. In a recorded statement to IPRA, Subject 1 admitted to "tussling" around on the ground with Officer B as Officer B was trying to place him into handcuffs. There is insufficient evidence to prove the abrasions on Subject 1 came from the vehicle's door hitting him, and as such, the finding should be **Not Sustained**.

Allegation #3: On August 7, 2012, at approximately 7:21P.M., in the vicinity of XXXX S. Kostner Avenue, Officer B verbally abused Subject 2 in that he directed profanity toward her, in violation of rule 8.

With regards to Allegation #3, COPA recommends a finding of **Not Sustained**. In a recorded statement to IPRA, Subject 2 stated that an officer directed profanity at her, but she did not directly accuse Officer B as being the Officer who directed profanities at her. Further Officer B denied directing any profanity towards Subject 2. In a recorded statement to IPRA, Subject 3 also stated that the officers directed profanity at Subject 2, but he never specifically stated that Officer B was the officer who directed profanities at her. As such, there is insufficient evidence to prove or disprove this allegation so the finding should be **Not Sustained**.

Allegation #4: On August 7, 2012, at approximately 7:21P.M., in the vicinity of XXXX S. Kostner Avenue, Officer B refused to give his name and star number upon request, in violation of rule 37.

With regards to Allegation #4, COPA recommends a finding of **Sustained**. In a recorded statement to IPRA, Subject 2 stated that she asked the arresting Officers for their names and badge numbers and they refused and jumped in their car. In a recorded statement to IPRA, Officer B stated that anytime somebody asks him for his name and star number, he tells them it's clearly displayed on his uniform. Rule 37 requires an officer to correctly identify himself by giving his name and star number. While Officer B's name and star number could have been displayed on his uniform, Officer B did not give Subject 2 his name and star number and as such this allegation should be **Sustained**.

C. Accused Officer C, Star #XXXXX

Allegation #1: On August 7, 2012, at approximately 7:21P.M., inside the XXXth District Station, Officer C failed to initiate a Log Number on behalf of Subject 1 after being made aware of allegations of misconduct against Chicago Police Department Members, in violation of rule 22.

With regards to Allegation #1, COPA recommends a finding of **Exonerated**. General Order 08-01-02 pertains to initiation responsibilities and procedures. The General Order states when misconduct is observed or a complaint relative to misconduct is received by a non-supervisory member, such member will immediately notify a supervisory member and prepare a written report to the commanding officer containing the information received, observation made, and action taken. In a recorded statement to IPRA, Subject 2 stated that she told Officer C that she was concerned because the police hit Subject 1 with their police vehicle and ran over his foot and leg. In a recorded statement to IPRA, Officer C stated that Subject 2 approached him and inquired about her son. While Officer C did speak to Subject 1's mother, Subject 2, and she did mention that her son could have been struck by a police vehicle, she was mostly concerned with her son's health. Subject 2 never told Officer C that she wanted to file a complaint. There was also no conversation between Subject 1 and Officer C regarding him being struck by a police vehicle. As such, the allegation should be **Exonerated**.

D. Accused Sergeant A, Star #XXXX

Allegation #1: On August 7, 2012, at approximately 7:21P.M., at the XXXth District Station, Sergeant A failed to initiate a Log Number after being made aware of allegations of misconduct against Officers A and B, in violation of rule 3 & 22.

With regards to Allegation #1, COPA recommends a finding of **Not Sustained**. General Order 08-01-02 pertains to initiation responsibilities and procedures. General Order 08-01-02 states, when misconduct is observed or a complaint relative to misconduct is received by supervisory or command personnel, they will initiate a complete and comprehensive investigation in accordance with this and other directives without looking to higher authority for such action. When reports of alleged or suspected violations are received, the supervisor or

command officer who first receives information of the alleged violation will report the information to the Independent Police Review Authority by telephone within one hour after the information is received. In a recorded statement to IPRA, Subject 2 stated that she told Sergeant A that the officers hit Subject 1 with the police SUV. In a recorded statement to IPRA, Sergeant A stated that he didn't recall Subject 2 informing him that her son was hit by a police SUV. Sergeant A also did not observe any misconduct because he was not present at the scene of the arrest. In a recorded statement to IPRA, Officer D stated that he observed Subject 2 and Sergeant A having a conversation but that he was too far away to hear the conversation. There is insufficient evidence to prove or disprove the allegation, as such the allegation should be **Not Sustained**.

Allegation #2: On August 7, 2012, at approximately 7:21P.M., at the XXXth District Station, Sergeant A failed to have Subject 1 immediately transported to the hospital after he had been tased, in violation of rule 10.

With regards to Allegation #2, COPA recommends a finding of **Sustained**. While Special Order S03-02-02 states that the member who deployed the taser will request that OEMC assign emergency medical personnel when the taser probes penetrate a subject's skin. In a recorded interview with IPRA, Officer A stated that he made Sergeant A aware that he deployed his taser. In a recorded statement to IPRA, Sergeant A stated that the officers informed him that they deployed their taser and he told them to go back to the station. Sergeant A also related that at some point in the station, Officer A related to him that he believed only one of the barbs struck Subject 1 but did not enter Subject 1. In a recorded statement to IPRA, Officer A stated that at least one of the barbs hit Subject 1 and Subject 1 pulled the barb out and continued to flee southbound. In a recorded statement to IPRA, Subject 1 also stated that a sergeant came into the cell and looked at the mark on his back. Subject 1 does not state the sergeant's name, though it is more likely than not that Sergeant A was aware that at least one of the barbs hit Subject 1 and he failed to request medical attention for him, therefore this allegation should be **Sustained**.

Allegation #3: On August 7, 2012, at approximately 7:21P.M., at the XXXth District Station, Sergeant A directed police officers to confiscate Subject 2's cell phone without justification, in violation of rule 1.

With regards to Allegation #3, COPA recommends a finding of **Sustained**. In a recorded statement to IPRA, Subject 3 stated that the sergeant and officers came outside the station, and the officers ordered him to give up his mother's phone. In a recorded statement to IPRA, Subject 2 stated that while she was still in the station, Sergeant A yelled "get her phone, get her phone" and then proceeded to follow her outside the station with other officers. In a recorded interview with IPRA, Sergeant A denied directing officers to confiscate Subject 2's cell phone. In a recorded interview to IPRA, Officer D was present during this part of the incident and Officer D stated that he heard Sergeant A state "stop her" and he went outside to assist. Sergeant A tried to place Subject 2 under arrest for video tapping him. Based on the totality of the circumstances, it is more likely than not that Sergeant A ordered officers to confiscate Subject 2's phone. As such this allegation should be **Sustained**.

Allegation #4: On August 7, 2012, at approximately 7:21P.M., at the XXXth District Station, Sergeant A directed profanity at Subject 3, in violation of rule 8.

With regards to Allegation #4, COPA recommends a finding of **Unfounded**. In a recorded statement to IPRA, Subject 3 stated that officers directed profanities at him but he never stated that Sergeant A was one of the officers that directed profanities at him. In a recorded statement to IPRA, Sergeant A also denied directing profanities at Subject 3. As such, this allegation should be **Unfounded**.

Allegation #5: On August 7, 2012, at approximately 7:21P.M., at the XXXth District Station, Sergeant A was present when police officers pointed their guns at Subject 2 and Subject 3 and failed to take action to stop them in violation of rule 3 & 5.

With regards to Allegation #5, COPA recommends a finding of **Not Sustained**. In a recorded statement to IPRA, Subject 3 and Subject 2 both stated that officers pointed guns at them outside the station. However, in a recorded statement to IPRA, Sergeant A denied this happened. In a recorded statement to IPRA, Officer D stated that he did not see anybody with their guns drawn. As such, there is insufficient evidence to prove or disprove this allegation so the finding should be **Not Sustained**.

Allegation #6: On August 7, 2012, at approximately 7:21P.M., at the XXXth District Station, Sergeant A handcuffed and placed Subject 2 in custody without justification, in violation of rule 1.

With regards to Allegation #6, COPA recommends a finding of **Sustained**. In a recorded statement to IPRA, Sergeant A stated that he placed Subject 2 in custody for video tapping him. At the time Sergeant A made the arrest, he was under the impression that video tapping was illegal. It wasn't until Lieutenant A checked with the State's Attorney Office that Sergeant A found out that the law was no longer valid. Even though Sergeant A claims that he thought that videotaping was illegal, it was not, and so he therefore had no justification for placing Subject 2 into custody. The allegation should be **Sustained**.

Allegation #7: On August 7, 2012, at approximately 7:21P.M., at the XXXth District Station, Sergeant A released Subject 2 without charging her and without obtaining proper authorization to release her, in violation of rule 1.

With regards to Allegation #7, COPA recommends a finding of **Exonerated**. In a recorded statement to IPRA, Sergeant A stated he released Subject 2 without charges because the actions that she was arrested for was no longer prohibited by law. Sergeant A was correcting his initial mistake of arresting Subject 2 when he released her. In a recorded statement to IPRA, Lieutenant A stated he ordered the release of Subject 2. Lieutenant A is Sergeant A's supervisor and he ordered her release, so Sergeant A therefore had the proper authorization to release Subject 2. As such, this allegation should be **Exonerated**.

E. Accused Lieutenant A, Star #XXX

Allegation #1: On August 7, 2012, between 9:50P.M. and 11:50P.M., at the XXXth District Station, Lieutenant A failed to initiate a Log Number after being made aware of

allegations of misconduct against Chicago Police Department Members, in violation of rule 3 & 22.

With regards to Allegation #1, COPA recommends a finding of Sustained. General Order G08-01-02 states that when reports of alleged or suspected violations are received, the supervisor or command officer who first receives information of the alleged violation will: report the information to the Independent Police Review Authority by telephone within one hour after the information is received. At the beginning of his statement to IPRA, Lieutenant A stated Subject 1 told him that the arresting officers struck him with their police vehicle. Upon further inquiry, Lieutenant A said he spoke with Officers A and B and they denied striking Subject 1 with their vehicle. The officers told Lieutenant A that Subject 1 fell off his bicycle as he fled from them.

When asked why he didn't initiate a log number, Lieutenant A said he investigated the incident as a traffic accident and subsequently determined that no traffic accident occurred. In a statement to IPRA, Lieutenant A confirmed Subject 1 complained of an injury to his leg and was transported to the hospital more than two hours after being in police custody. Subject 1 never told Lieutenant A that he was involved in a traffic accident with the officers. Subject 1 told Lieutenant A that the officers struck him with their vehicle. Lieutenant A never initiated a log number even though he was aware that a complaint existed. As such, this allegation should be **Sustained**.

VII. CONCLUSION

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

Officer	Allegation	Finding
Officer A	1. Unnecessarily displayed and/or deployed his taser at Subject 1;	Exonerated
	2. Failed to provide medical attention for Subject 1 after tasing him;	Sustained
	3. Failed to request that a supervisor respond to the scene after the deployment of his taser;	Exonerated
	4. Struck Subject 1 with the police vehicle;	Not Sustained
	5. Was inattentive to duty when he documented in his Tactical Response Report that Subject 1 placed him in imminent threat of receiving a battery.	Exonerated
Officer B	1. Pursued Subject 1 without justification;	Exonerated
	2. Struck Subject 1 with the door of a police vehicle;	Not Sustained

	<p>3. Verbally abused Subject 2 in that he directed profanity toward her;</p> <p>4. Refused to give his name and star number upon request.</p>	<p>Not Sustained</p> <p>Sustained</p>
Officer C	<p>1. Failed to initiate a Log Number on behalf of Subject 1 after being made aware of allegations of misconduct against Chicago Police Department Members.</p>	<p>Exonerated</p>
Sergeant A	<p>1. Failed to initiate a Log Number after being made aware of allegations of misconduct against Officers A and B;</p> <p>2. Failed to have Subject 1 immediately transported to the hospital after he had been tasered;</p> <p>3. Directed Police Officers to confiscate Subject 2’s cell phone without justification;</p> <p>4. Directed profanity at Subject 3;</p> <p>5. Was present when Police Officers pointed their guns at Subject 2 and Subject 3 and failed to take action to stop them;</p> <p>6. Handcuffed and placed Subject 2 in custody without justification;</p> <p>7. Released Subject 2 without charging her and without obtaining proper authorization to release her.</p>	<p>Not Sustained</p> <p>Sustained</p> <p>Sustained</p> <p>Unfounded</p> <p>Not Sustained</p> <p>Sustained</p> <p>Exonerated</p>
Lieutenant A	<p>1. Failed to initiate a Log Number after being made aware of allegations of misconduct against Chicago Police Department Members.</p>	<p>Sustained</p>

Approved:

COPA Chief Investigator A
Deputy Chief Administrator – Chief Investigator

Date

Appendix A

Assigned Investigative Staff

Squad#:	XX
Investigator:	COPA Investigator A
Supervising Investigator:	COPA Supervising Investigator A
Deputy Chief Administrator:	COPA Chief Investigator A