

SUMMARY REPORT OF INVESTIGATION¹

I. EXECUTIVE SUMMARY

Date of Incident:	June 5, 2014
Time of Incident:	10:26 p.m.
Location of Incident:	XXXX S. Ridgeway, Chicago, IL
Date of IPRA Notification:	June 11, 2014
Time of IPRA Notification:	5:09 p.m.

On June 5, 2014, Officers A and B were on routine patrol, assigned to Beat XXXX. As they were driving southbound on the XXXX block of S. Ridgeway, they observed Subject 1 walking on the sidewalk. According to the officers, when Subject 1 saw the marked police SUV he dropped a small object and attempted to conceal himself behind a tree. Officers A and B exited their vehicle and approached Subject 1, at which time they saw him place a rolled marijuana cigarette on the ground. The officers attempted to place Subject 1 under arrest and, when he tried to pull his arms away from them, they conducted an emergency takedown. According to Subject 1, once he was lying on the ground Officer A repeatedly punched him in the face and placed his knee on Subject 1’s stomach for an extended period of time. Another police vehicle stopped to assist in the arrest, and Officer A asked one of these officers for his Taser. Officer A then used the Taser to drive stun Subject 1 in the torso.² Officer A denied this, and told COPA investigators that he pushed the arc switch on the Taser to display a spark, also known as “arching” the Taser, but never pressed it against Subject 1’s body. This investigation shows that Officer A used excessive force against Subject 1 when he repeatedly struck him in the face, and that Officer A was untruthful when he denied using the Taser to drive stun Subject 1.

II. INVOLVED PARTIES

Involved Officer #1:	Officer A, Star #XXXX, Employee #XXXX, Date of Appointment: XXXX, Chicago Police Officer, Date of Birth: XXXX, White Male.
Involved Officer #2:	Officer B, Star #XXXX, Employee #XXXX, Date of Appointment: XXXX, Chicago Police Officer, Date of Birth: XXXX, White Hispanic Male.

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 “A drive stun is utilized when a Taser, with or without a cartridge attached, is held against the subject and energy is applied.” (Special Order S03-02-02, Other Weapon Discharge Incidents, Section IV, A, 1.)

Involved Officer #3: Officer C, Star #XXXX, Employee #XXXX, Date of Appointment: XXXX, Chicago Police Officer, Date of Birth: XXXX, Asian Pacific Islander Male.

Involved Officer #4: Captain A, Star #XXX, Employee #XXXX, Date of Appointment: XXXX, Chicago Police Captain, Date of Birth: XXXX, White Female.

Subject #1: Subject 1, Date of Birth: September 20, 1993, Black Male.

III. ALLEGATIONS

Officer	Allegation	Finding
Officer A	1. Punched Subject 1 on his face several times, in violation of Rule 8.	Sustained
	2. Threw/pulled Subject 1 onto the ground, in violation of Rule 8.	Exonerated
	3. Placed his knee on Subject 1 's stomach, in violation of Rule 8.	Not Sustained
	4. Tased Subject 1 on his stomach, in violation of Rule 8.	Exonerated
	5. Made false charges against Subject 1, in violation of Rule 14.	Not Sustained
	6. Failed to complete Department-conducted training on the safe handling and deployment of a Taser device, in violation of Rule 6.	Unfounded
	7. Provided a false oral statement to the Independent Police Review Authority on October 13, 2015, at approximately 5:20pm, at 1615 W. Chicago Avenue, by stating that he “did not dry stun Subject 1 ” with a Taser, in violation of Rule 14.	Sustained
	8. Provided a false written statement to XX th District Commander A on June 8, 2015 by stating that “Complainant/offender Subject 1 was never tased by R/O,” in violation of Rule 14.	Sustained
Officer B	1. Threw/pulled Subject 1 onto the ground, in violation of Rule 8.	Exonerated
		Not Sustained

	2. Made false charges against Subject 1, in violation of Rule 14.	
Officer C	1. Failed to complete Department-conducted training on the safe handling and deployment of a Taser device, in violation of Rule 6.	Unfounded
Captain A	1. Failed to notify the Independent Police Review Authority of a Taser deployment by Officer A, in violation of Rule 6.	Sustained
	2. Failed to ensure that a Taser International Deployment Data Report was downloaded, in violation of Rule 6.	Sustained

IV. APPLICABLE RULES AND LAWS

Rules

1. Rule 6: Prohibits any disobedience of an order or directive, whether written or oral.
2. Rule 8: Prohibits disrespect to or maltreatment of any person, while on or off duty.
3. Rule 14: Prohibits making a false report, written or oral.

General Orders

1. G03-02, Use of Force Guidelines (Effective Date: October 1, 2002)
2. G03-02-02, Force Options (Effective Date: May 12, 2012)

Special Orders

1. S03-02-02, Other Weapon Discharge Incidents (Effective Date: June 14, 2012)
2. U04-02-04, Taser Devices (Effective Date: June 14, 2012)

V. INVESTIGATION³

a. Interviews

1. Subject 1

In an **interview with IPRA on June 12, 2014**, **Subject 1** stated that on June 5, 2014, he was outside of the park at XXXX W. Douglas with several unidentified friends. As Subject 1 was

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

leaving, he saw two police officers approach him in a marked police SUV. Subject 1 described both officers as Hispanic males, and he stated that both were in uniform. The driver was at least 6' 4" in height, and he had a short haircut and a tattoo on his right forearm. The passenger was about five inches shorter than the driver, approximately 5' 9" in height, and wore a CPD cap. Subject 1 stated that he did not know either Officer A and had never seen them before that night.

According to Subject 1, the officers did not say anything to him as they exited their vehicle and approached him. One officer grabbed him by the arm and the other grabbed his pant leg. They asked him to get down on the ground, and Subject 1 stated that he did so. As he lay on his back, the driver of the police SUV got on the ground next to Subject 1 and used "his fist" to punch Subject 1 in his face approximately ten times. That officer then put his knee on Subject 1's stomach for an extended period of time, which Subject 1 estimated as at least 12 minutes. When Subject 1 said that he couldn't breathe, the officer "pulled out a taser and then he shot me with a taser once in my stomach." Subject 1 denied that he tried to run from, fight with, kick, or resist the officers in any way during his interaction with them. He also denied that he had been smoking marijuana or had any drugs in his possession at the time the officers approached him.

When other officers arrived on the scene, Subject 1 began asking them to tell the officer that had hit him to take his knee off Subject 1's stomach. The officer's partner, who was "just standin' there watchin'" while Subject 1 was punched and tased, finally instructed his partner to remove his knee and he did so. The two officers then handcuffed Subject 1, picked him up from the ground, and placed him in the back of their vehicle. Subject 1 was taken to the police station, where he asked to go to a hospital. The same two officers who had beaten him drove him to Stroger Hospital and left him in the ER, where Subject 1 remained until he was released from the hospital the next morning. Subject 1 reported that he sustained two black and swollen eyes during the incident.⁴

2. Police Statements

In a **statement to IPRA on September 18, 2015, Officer C #XXXX** stated that at approximately 10:25 p.m. on June 5, 2014, he and his partner, Officer D, were on routine patrol in Operation Impact Zone 7.⁵ As they approached the vicinity of XXXX S. Ridgeway, Officer C observed Officers A and B standing over Subject 1, who was lying on the sidewalk, "kickin' and buckin' against the ground." Officer C exited his vehicle to assist the officers, at which point Officer A instructed him to go "see if [Subject 1] dropped anything in the area." Officer C walked away and was searching for the dropped item when he heard Officer A ask if anyone has a Taser. Officer C answered in the affirmative and, as he re-approached Subject 1 and the officers, he saw Officer A "on top of" Subject 1. Officer A then warned Subject 1 that "if he didn't stop strugglin' he was gonna tase 'em. The guy just kept flailing and strugglin.'" Officer C handed Officer A his Taser, and Officer A immediately pressed it against Subject 1's torso and "used it to dry stun Subject 1." Officer C stated that he was standing "right there" when Subject 1 was tased, and described hearing Subject 1 cry out in pain, "like a squeal."

⁴ Att. #6, 10.

⁵⁵ "Operation Impact" refers to a CPD initiative to saturate the city's most violent neighborhoods with extra police officers.

After Officer A deployed the Taser, Subject 1 stopped kicking and flailing on the ground and Officers A and B were able to pick him up and place him in the back of their vehicle. Officer C resumed his search for the dropped item, and as he was walking up and down the sidewalk, he heard “loud banging noises coming from the vehicle as [Subject 1] was screaming and striking the inside of the vehicle, the cage somehow.” Another unit arrived to transport Subject 1 to the XXth District, and Officer C and his partner left the scene. He stated that he did not know if a supervisor responded to the scene or was ever notified of the Taser deployment.^{6,7}

In a **statement to COPA on October 11, 2017, Officer D #XXXX** stated that on the evening of June 5, 2014, he and Officer C were on routine patrol in the XXth District when he observed Officers A and B struggling with Subject 1. Subject 1 was standing on the sidewalk, pulling his arms away from the officers. As Officer D exited his vehicle to assist with the arrest, he watched Officers A and B perform an emergency takedown of Subject 1, who was brought to the ground lying on his back. Subject 1 continued to flail his arms and legs on the ground, and he saw Officer A strike Subject 1 with an open palm 2-3 times in the side of the head as he repeated the phrase, “Stop resisting, stop resisting.” Officer A then asked for the use of Officer C’s Taser and used it to drive stun Subject 1, possibly in the leg. Officer D stated that he was approximately 5-6 feet away at the time that the Taser was deployed. The drive stun “stopped [Subject 1] for a second,” and Officers A and B were able to roll him onto his side, handcuff him, pick him up from the ground, and place him in the back of their vehicle. Once Subject 1 was inside of the vehicle and the door was closed, however, he started kicking the window from the backseat, and Officers A and B called for a squadrol to transport Subject 1 to the 10th District.

Throughout the encounter, Officer D stated that he did not hear Subject 1 say anything and saw no indication that Subject 1 might have been hallucinating. Officer D characterized Subject 1’s actions as those of an active resister who was “waving his arms around and away from the officers and moving his body back and forth.”⁸

In a **statement to IPRA on March 4, 2016, Officer B #XXXX** provided his account of the incident. He stated that at approximately 10:25 p.m. on June 5, 2014, he and his partner, Officer A, were on routine patrol in the XXth District. As they drove south down Ridgeway, Officer B observed Subject 1 trying to hide behind a tree. The officers stopped and exited their vehicle and approached Subject 1 to conduct a field interview. As they were walking toward him, Officer B saw Subject 1 drop an object on the ground, which Officer B believed was marijuana. Subject 1 then stated, “This is Chicago. This is what we do here.” The officers then attempted to place Subject 1 in custody for possession of marijuana, but he became combative, flailed his arms to defeat the arrest, and stated that he wanted to fight them. At that point, Officer B and Officer A each took hold of one of Subject 1’s arms and performed an emergency takedown. He acknowledged that he assisted “in throwing and pulling [Subject 1] onto the ground,” but he stated that the emergency takedown was appropriate because Subject 1’s words and actions placed the officers in fear of receiving a battery.

⁶ Att. #94, 100.

⁷ In a subsequent statement on October 9, 2015, Officer C provided IPRA investigators with a printout of his Taser certification history. (Att. #105-106.)

⁸ Att. #183-185.

According to Officer B, after Subject 1 was brought to the ground he continued to flail his arms and attempted to headbutt Officer A. Officer A then used open hand strikes to gain control of Subject 1, and the two officers placed Subject 1 into handcuffs. Officer B stated that Subject 1 was still kicking and flailing, and “he almost tried kicking me in the face while he was on the ground and I was getting up from my knee.” Officer A called for assisting units and, when one arrived, he and Officer A placed Subject 1 into the back of their squad car. Subject 1 then tried to kick out the window and door of the vehicle.

When Officer B was asked about the Taser deployment, he stated, “I don’t believe that [Subject 1] was tased” but I “just don’t recall about the Taser.” Later, Officer B indicated that Officer A may have pointed the Taser at Subject 1 while he was in the back of the squad car and told him to “calm down,” as if to indicate that he would be tased if he continued to kick the vehicle. Officer B, however, retracted this statement when he reviewed the narrative section of the Original Incident Case Report, which indicates that Officer A arched the Taser when Subject 1 was still on the sidewalk. Officer B then stated that he stood by the report and could not remember if Subject 1 was threatened with the Taser when he was on the ground or in the back of the squad car. Officer B acknowledged that no one notified a supervisor about the Taser deployment at the scene, but he did not remember the reason why.

Once Subject 1 was transported to the XXth District, he was interviewed by Officer B’s lieutenant, now Captain A. Subject 1 allegedly told her that he wanted to fight with the officers because they “were there to hurt some girl,” but, Officer B stated, Subject 1 was the only civilian at the scene. At Captain A’s instruction, Officers B and A then transported Subject 1 to Stroger Hospital for a mental evaluation and released him. Although the charges against Subject 1 were dropped, Officer B denied that they were falsely made. He stated that they charged Subject 1 with aggravated assault on a police officer because he resisted arrest and attempted to fight them. They charged Subject 1 with possession of marijuana because they saw him place narcotics on the ground. And the criminal damage to property charge, Officer B stated, was justified because Subject 1 “messed up the police door.”⁹

In a **statement to IPRA on October 13, 2015, Officer A #XXXX** provided the following account of the incident. On June 5, 2014, at approximately 10:25 p.m., he and Officer B were on routine patrol in a marked police SUV, which Officer A was driving. As they approached the vicinity of XXXX S. Ridgeway, Officer A saw Subject 1 walking southbound on the east side of the street. Subject 1 “looked in my direction at which time he attempted to hide behind a tree.” Subject 1 then dropped a small object to the ground (which the officers were subsequently unable to locate) and continued to walk south. Officer A stopped the police SUV and approached Subject 1 to conduct a field interview, at which point he noticed Subject 1 “rolling a hand rolled object which is normal in narcotics.” When Officer A told Subject 1 to stop, Subject 1 placed the hand rolled object on the ground and stated, “[I]t’s just weed. This is Chicago, it’s what we do.” Officers A and B each took hold of one of Subject 1’s arms and they attempted to place him into custody for possession of marijuana, but Subject 1 began to pull away from them. When Officer A asked Subject 1 what he was doing, he responded that he wanted to fight. This statement, coupled with Subject 1’s attempts to pull away from the officers, put the officers in fear of receiving a battery and they decided to perform an emergency takedown. During the process of taking Subject 1 to

⁹ Att. #145, 146.

the ground, Officer A stated that Subject 1 attempted to head butt him. Officer A could not remember how he and Officer B brought Subject 1 to the ground, but Subject 1 ended up lying on the sidewalk on his back. Subject 1 continued to flail his arms and Officer A used a combination of emergency cuffing procedures and open hand strikes to gain control of him. Officers A and B then rolled Subject 1 over and handcuffed him, and Officer A used his radio to request that assisting units respond to the scene. Officer A denied that he punched Subject 1 with a closed fist at any time during the incident. Officer A also denied placing his knee on Subject 1 's stomach, but stated that it "could be possible that I was on him at some time during the altercation."

According to Officer A, after Subject 1 was handcuffed he managed to roll back onto his back and attempted to kick Officer B. When an assisting unit arrived, Officer A noticed that one of the officers had a Taser and he asked to borrow it. Officer A then "displayed the arc of the taser to Mr. Subject 1 in order to deter him from further combative nature." At that point, Officer A was either standing or kneeling approximately a foot away from Subject 1, who was lying on his back on the sidewalk. Officer A could not remember if he said anything to Subject 1 as he arched the Taser and pointed it at him, but he recalled that throughout the incident, he gave Subject 1 verbal commands to "stop fighting, stop fighting. Quit resisting." Officer A denied that he either discharged the Taser's prongs or used the device to drive stun Subject 1.

After the spark display, Subject 1 ceased resisting long enough for Officers A and B to place him into the back of their vehicle. Once Subject 1 was in the backseat, however, he began to kick the inside of the door. Officer A requested that a transport wagon respond to the scene and, when one arrived, Subject 1 was moved into the wagon and driven to the XXth District. Officer A stated that he notified his sergeant and Captain A about the incident as soon as he returned to the station. He denied making any false charges against Subject 1 and indicated that the decision to transport Subject 1 to the hospital for a mental health evaluation and release him without charges was made by Capt. A, not him.¹⁰

In a **statement to COPA on November 9, 2017, Officer A #XXXX** provided the following additional details regarding the incident. After conducting an emergency takedown of Subject 1, he used open hand strikes to the upper half of Subject 1 's body, including his head, shoulders, and arms. He could not remember how many times he struck Subject 1, but stated that he did so with a "flat palm" rather than a closed fist, in a manner he described as "like pushing." When COPA investigators showed Officer A photographs of Subject 1 's face taken the day after the incident, he stated that he did not know how Subject 1 had sustained the injuries depicted in them. He indicated that, although he did not recall if Subject 1 was injured when he and Officer B first approached him on June 5, 2014, he believed that he would remember if Subject 1 's eye had been swollen shut at that time. Officer A then offered two other possible causes for Subject 1 's injuries, including that Subject 1 had harmed himself when he was "flailing about" in the backseat of the police SUV. Additionally, Officer A suggested that Subject 1 's injuries may have come at the hands of other officers, stating, "I can't contest to what other officers did."

In response to the Rule 14 allegations, Officer A stated that he stood by the statements he made to IPRA and in his To-From Report (see Section d, below) in which he denied using a Taser to drive stun Subject 1. He indicated that he believed Subject 1 was being untruthful, and he

¹⁰ Att. #119, 126.

attempted to explain the observations of Officers C and D by stating that the Taser may have made contact with Subject 1 's body after he used it to display a warning spark, "but not while it was being arched." According to Officer A, the Taser was approximately a foot away from Subject 1 at the time of the spark display and Subject 1 "may have raised his lower tor—lower half up to make contact with it" after the Taser was deactivated. When Subject 1 had attempted to kick Officer B, Officer A recalled, he had "arched his back extremely high up." Officer A further stated that there was no reason for him to lie about drive stunning Subject 1, as under the Department's use of force guidelines Subject 1 was considered an assailant whom Officer A was authorized to drive stun.¹¹

In a **statement to IPRA on October 23, 2015, Captain A #XXXX** stated that on June 5, 2014, at approximately 11:00 p.m., she was in the middle of roll call at the XXth District when Officer A first notified her about the incident involving Subject 1. Officer A told her that he and his partner had observed Subject 1 smoking marijuana and, when they tried to put handcuffs on Subject 1, he resisted until Officer A sparked a Taser to gain his compliance. The officers were then able to place Subject 1 into custody and transport him to the XXth District. Captain A stated that after hearing Officer A 's account of the incident, she interviewed Subject 1 at the station. He was crying and speaking incoherently, and he stated that he had been trying to help a woman at the time he was arrested. Subject 1 told Captain A that he wanted to go to a hospital, and she released him without charges and had him transported to Stroger Hospital for a mental health evaluation.

Captain A stated that after speaking with Subject 1 and ordering him released, she completed the Watch Commander's Section of Officer A 's TRR. She acknowledged that she neither notified IPRA of the Taser discharge nor ensured that a Taser Notification and Discharge Report was downloaded. Captain A offered no explanation regarding her failure to adhere to Special Order 03-02-02, the CPD directive that sets forth the required procedures following any field use of a Taser.¹²

b. Digital Evidence

Evidence Technician (ET) photographs were taken of Subject 1 while he was in the XXth District lockup the morning of June 6, 2014. In the photos, both of Subject 1 's eyes are blackened, and his left eye is swollen shut. The photos also show swelling to Subject 1 's lip and bruises on the right side of his face. At the request of an IPRA investigator, an ET took additional photographs of Subject 1 's injuries on June 11, 2014. Redness is still visible in both of Subject 1 's eyes, as well as swelling and dark bruising underneath both eyes. Additionally, the ET photographed damage to the rear passenger door of Vehicle #XXXX, Officers A and B's police SUV, which does not appear to be flush with the door frame.¹³

c. Physical Evidence

¹¹ Att. #180, 182.

¹² Att. #125, 127.

¹³ Att. #57-60.

The **Medical Records** from John Stroger Medical Center indicate that Subject 1 was examined on June 6, 2014, at 2:41 a.m. He presented with “significant facial trauma” caused by a “direct blow” that occurred approximately two hours prior to his arrival at the hospital. Subject 1 told the medical staff that he was assaulted by the police for possession of marijuana, which he admitted to using. The police, on the other hand, told the triage nurse that they had brought Subject 1 to the hospital due to abnormal psychiatric behavior, but “no abnormal behavior [was] noted” throughout his stay. Subject 1’s behavior was recorded as “cooperative, appropriate mood & affect, normal judgment, non-suicidal.” Following a CT scan, radiology reports revealed that Subject 1 had sustained a “nondisplaced fracture of the left nasal bone,” as well as “marked left preseptal swelling.” His differential diagnosis was recorded as “facial injury, head injury, facial fracture, contusion, hematoma.”¹⁴

d. Documentary Evidence

The **Original Incident Case Report and Arrest Report for RD # HXXXXXXX** document that on June 5, 2014, at approximately 10:26 p.m., at XXXX S. Ridgeway, Officers A and B observed Subject 1 attempt to conceal himself and drop a small object. When the officers approached Subject 1 to conduct a field interview, he placed a half-rolled cigarette containing a green leafy substance suspected to be marijuana on the ground and said, “This is Chicago, it’s just weed, this is what we do.” Officers A and B attempted to take Subject 1 into custody for possession of marijuana, at which point Subject 1 pulled his arm away and stated that he wanted to fight. The officers responded by conducting an emergency takedown, and during this process Subject 1 attempted to head butt Officer A. Once Subject 1 was on the ground, he began kicking and flailing his arms and legs aggressively. Officer A used open a combination of open hand strikes and emergency cuffing to place Subject 1 in custody. The officers placed a radio call for assistance and Beat XXXX¹⁵ responded. Upon their arrival, Officer A requested a Taser from one of the assisting officers and, when Subject 1 attempted to kick Officer B in the head, Officer A “arched the Taser to deter the offender from further violence.” Officers A and B then placed Subject 1 inside of their vehicle. While he was sitting in the backseat, he kicked the inside of vehicle causing damage to the right rear door seal. Beat XXXX arrived on scene and transported Subject 1 to the XXth District.

Once at the station, Subject 1 told Captain A that he had been trying to protect a girl “from the officers doing something bad to her.” A name check revealed that Subject 1 had a history of mental illness, and he was transported to Stroger Hospital for mental evaluation and released without charges. The reports acknowledge that Subject 1 suffered swelling and bruising to his face as a result of his altercation with Officers A and B. The suspected marijuana cigarette was inventoried under Property Inventory #XXXXXX.¹⁶

The **Tactical Response Report (TRR) filed by Officer A** indicates that Subject 1 was “under the influence” and classifies his actions as those of an assailant. Officer A responded with member presence, verbal commands, open hand strikes, takedown emergency handcuffing, and a Taser spark display. In the Watch Commander section of the TRR, Captain A states that Subject 1 admitted to fighting with police in order to protect a woman, whose existence he had

¹⁴ Att. #43.

¹⁵ Officers C and D were assigned to Beat XXXX and XXXX on the date of the incident.

¹⁶ Att. #12, 18.

hallucinated, from the officers. She reports that Subject 1 was mumbling incoherently, talking to himself, and appeared to be in need of intervention by mental health professionals. As a result, he was released without charges and transported to Stroger Hospital.¹⁷

The **Tactical Response Report (TRR) filed by Officer B** indicates that Subject 1 was “under the influence” and classifies his actions as those of an assailant. Officer B responded with member presence, verbal commands, arm bar, and takedown emergency handcuffing.¹⁸

The **Officer’s Battery Reports (OBRs)** completed by Officers A and B¹⁹ indicate that on the date and time of the incident, both officers were attacked while on duty, in uniform, and investigating a suspicious person. The reports list the manner of attack as “struck/blunt force (including actual attempt)” and the type of weapon/threat as “hands/fists” and “feet.” Neither Officer A nor Officer B sustained any apparent injuries as a result of the attack.²⁰

IPRA requested the **Taser Notification and Discharge Report** associated with the Taser spark display reported by Officer A, but the report could not be located. On August 27, 2015, XXth District Captain A confirmed that a Taser International Deployment Data Report was never downloaded.²¹

In a **To-From Report dated June 25, 2015, Officer C #XXXX** stated that when he and his partner, Officer D, arrived at XXXX S. Ridgeway on June 5, 2014, he observed Officers A and B struggling with Subject 1, “who was laying on the sidewalk and was hostile and uncooperative in that he was kicking out with his legs and flailing his arms.” Officer A requested the use of Officer C’s Taser, and repeatedly warned Subject 1 that if he did not stop resisting he would be tased. Subject 1, however, continued to kick out his legs and flail his arms, “and then P.O. A used the taser to drive stun Subject 1.” Officer C stated that he did not observe either Officer A or Officer B striking Subject 1.²²

In a **To-From Report dated June 28, 2016, Officer D #XXXX** stated that on June 5, 2014, at approximately 10:26 p.m., he was assigned to Beat XXXX and partnered with Officer C. During routine patrol, Officer D observed Officers A and B attempting to arrest Subject 1, and Subject 1 pulling his arms away from them. Officer D and his partner stopped and exited their vehicle to assist the officers, at which point Officer D saw Officers A and B perform an emergency takedown of Subject 1. Subject 1 continued to resist by “kicking and flailing his arms aggressively,” and Officer A used a combination of open handed strikes and emergency handcuffing to place Subject 1 in custody. Officer A asked to use Officer C’s Taser, and he “arched the taser against the offender to prevent further violence toward the officers.”²³ Officer D further

¹⁷ Att. #15.

¹⁸ Att. #13.

¹⁹ The relevant portions of both officers’ OBRs are identical.

²⁰ Att. #14, 16.

²¹ Att. #64.

²² Att. #54.

²³ In his statement to COPA, Officer D confirmed that this statement was a reference to Officer A using the Taser to drive stun Subject 1. (Att. #183-185.)

stated that he did not observe Officer A or Officer B “grab, push, punch, or throw Subject 1 to the ground during the incident.”²⁴

In a **To-From Report dated June 24, 2015, Officer E #XXXX** stated that on the date and time of the incident, he and his partner were assigned to Beat XXXX.²⁵ When they arrived at the scene, Officer E observed Subject 1 inside a marked police SUV “yelling and kicking the rear door.” Officer E and his partner removed Subject 1 from the vehicle, placed them inside of their squadrol, and transported him to the XXth District without incident. Officer E stated that he did not observe any physical contact between Subject 1 and Officers A and B while he was at the scene.²⁶

In a **To-From Report dated June 8, 2015, Officer B #XXXX** stated that on June 5, 2014, at approximately 10:26pm, he and his partner Officer A were on routine patrol when they observed Subject 1 drop a small object and attempt to conceal himself. They approached him for a field interview and learned that Subject 1 was in possession of narcotics. Subject 1 became combative when they attempted to place him into custody, and the officers conducted an emergency takedown and emergency cuffing. “While Subject 1 was attempting to strike P.O. A, P.O. A used open hand strikes in attempt to place Subject 1 in custody.” Officer B’s report does not mention any use of a Taser by Officer A, either a spark display or a drive stun.²⁷

In a **To-From Report dated June 8, 2015, Officer A #XXXX** stated that on the date and time of the incident, he and his partner, Officer B, were on routine patrol when they observed Subject 1 “hiding behind a tree.” They exited their vehicle and approached him to conduct a field interview, at which time Subject 1 placed a half-rolled marijuana cigarette on the ground and stated, “This is Chicago and this is what we do.” Subject 1 indicated that he wanted to fight the officers and pulled his arms away when Officer A attempted to arrest him. He then tried to head butt Officer A, and Officer A took Subject 1 to the ground and placed him into custody using a combination of open hand strikes and emergency cuffing. According to the report, “Subject 1 was never tasered by R/O, nor did R/O place my knee on the offender’s stomach.”²⁸

According to **Inventory Sheet #XXXXXX**, on June 5, 2014, Officer A logged into evidence one brown hand-rolled cigarette containing a green leafy substance suspected to be marijuana. The owner of the seized item is identified as Subject 1 of XXXX S. Hamlin, Chicago, IL 60623.²⁹

The **Office of Emergency Management and Communications (OEMC) Event Query #1415618660 and 1415617842** indicate that on June 5, 2014, at 10:26 p.m., Beats XXXX and XXXX were at the location of XXXX S. Ridgeway. Both units departed the scene at 10:35 p.m., and at 2:17 a.m. the following morning, Beat XXXX transported Subject 1 to Stroger Hospital.

²⁴ Att. #55.

²⁵ Officer E’s partner, Officer F #XXXX, completed a To-From Report dated June 24, 2015 in which he stated that he could not recall the incident in question. (Att. #53.)

²⁶ Att. #52.

²⁷ Att. #40.

²⁸ Att. #39.

²⁹ Att. #148.

The remarks note that “offender [is] in custody” and Beat XXXX “req[uires] pictures of the squad car door.”³⁰

The **Training Records** for Officer A indicate that he completed and passed CPD training on the Use of Force Policy on January 4, 2013 and March 29, 2013, including the course “Controlling Resistors and Assailants.” Officer A was certified in the safe handling and deployment of the Taser X2 on December 20, 2012, and he completed annual Taser recertification training on November 8, 2013.³¹

The Training Records for Officer C indicate that he was certified in the safe handling and deployment of the X2 Taser on July 12, 2013.³²

IPRA submitted a request for **In-Car Camera (ICC)** video with the date, time, location, event number, and log number for this case; however, the vehicle number and the involved officers were erroneously identified on the request. By the time that COPA discovered the error, the retention date had passed.³³

COPA requested the **Body Worn Camera (BWC)** video associated with this incident; however, officers in the XXth District were not assigned BWCs until July 26, 2016.³⁴

IPRA investigators **canvassed** the area around XXXX S. Ridgeway on July 16, 2015, but they were unable to locate any witnesses to or any video footage of the incident.³⁵

VI. ANALYSIS

1. Officer A

COPA recommends a finding of **Sustained** for **Allegation #1**, that **Officer A** punched Subject 1 in his face several times, in violation of Rule #8, “Disrespect/maltreatment of any person while on or off duty.” Subject 1 reported that Officer A hit him with a “closed hand” and “a fist” approximately ten times while he was lying on the ground. Officer A, however, stated that he only used open hand strikes to gain control of Subject 1. In his statements to both IPRA and COPA, Officer A insisted that he did not punch Subject 1; rather he struck the upper half of Subject 1’s body with a “flat palm,” in a manner he described as “like pushing.” Officer A’s account is inconsistent with Subject 1’s medical records, which reflect that Subject 1 sustained “significant facial trauma,” including a facial fracture, contusions, and a hematoma. Additionally, in the ET photographs taken the day after the incident both of Subject 1’s eyes are blackened, his left eye is swollen shut, the right side of his face is bruised, and his lip is swollen. These injuries are much more consistent with Subject 1 being punched than struck with an open hand.³⁶ In fact, when

³⁰ Att. #11.

³¹ Att. #88, 118.

³² Att. #88, 104.

³³ Att. #36, 44, 133, 187-88.

³⁴ Att. #188.

³⁵ Att #56.

³⁶ Even assuming, *arguendo*, that Officer A only used open hand strikes on Subject 1, the injuries that are evident from Subject 1’s medical records and the ET photographs would still point to an excessive use of force. General Order

Officer A was presented with the photographs during his statement to COPA, he appeared to acknowledge that Subject 1 's injuries were inconsistent with open hand strikes when he suggested that they may have been sustained at the hands of other officers or Subject 1 himself, when he was "flailing about" in the backseat of the police SUV.³⁷

The conclusion that Officer A punched Subject 1, however, does not end the analysis. Under the Department's Use of Force Model, an officer is authorized to use direct mechanical techniques such as punching and kicking when dealing with an assailant, which it defines as "a subject who is using or threatening the imminent use of force against himself/herself or another person." (G03-02-02, Force Options, Section III, C, 1(a)). An officer is not, however, authorized to use such force against an active resister, or 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." (*Id.* at Section III, B, 2). An active resister may be stunned, or slapped with an open hand, but not punched.

Although there is conflicting evidence in this case, COPA finds that it is more likely than not that Subject 1 's actions were those of an active resister, not an assailant. It is clear from the accounts of all four officers present during the incident that Subject 1 was actively attempting to avoid being arrested, even once he was brought to the ground. Officers C, D, B and A described Subject 1 's actions immediately after the takedown using the following representative phrases: "flailing and strugglin'," "flailing and kicking around," "buckin' against the ground," and "moving his body back and forth." These actions are those of an active resister, and in his statement to COPA Officer D specifically, and correctly, classified Subject 1 as such. Additionally, it is unlikely that Officer A would have instructed Officer C to turn around and look for the item that Subject 1 dropped if he believed that Subject 1 posed an actual, immediate threat to the officers.

Officers A and B's reports and statements, however, indicate that Subject 1 was an assailant who told them he wanted to fight and attempted to head butt Officer A. COPA does not find their statements credible. Officer A denied that he drive stunned Subject 1, even though two witness officers and Subject 1 all stated that he did. (See analysis of Allegations #7 and 8, below.). Officer B claimed that Officer A used open hand strikes "while [Subject 1] was attempting to strike [Officer A]." No other account of the incident, including the case reports and Officer A 's own statements, indicates that Subject 1 ever tried to strike Officer A or anyone else. Additionally, Officer B has offered inconsistent statements regarding Officer A 's Taser deployment. His To-

G03-02-02 defines open hand strikes, also known as stunning, as "diffused-pressure striking or slapping [that] is an attempt to increase control by disorienting the subject and interfering with the subject's ability to resist." (Force Options, Section III, B, 2, a.) The Department's Basic Recruit Training further specifies that open hand strikes should be made "to the side of the subject's head." (Resister Control Intro & Cuffing, Att. #153.) However, Subject 1 could not have suffered the injuries he sustained if Officer A merely applied open hand strikes to the side of Subject 1 's head. At a minimum, he would have had to use the heel of his palm to repeatedly strike Subject 1 in the face using a degree of force far beyond that of an authorized stun. COPA believes that it is more likely than not that Officer A punched Subject 1, but even if he did not, the type of strikes he used were both excessive and outside of the Department's guidelines for stunning.

³⁷ COPA did not find any evidence that Subject 1 head butted Officer A or any other officer, hit his face on the ground during the emergency takedown, or otherwise injured his face after he was secured inside the police vehicle. COPA notes that Officer A 's arrest report simply stated that Subject 1 *attempted* to headbutt him.

From Report, for example, makes no mention of any Taser use, either spark display or drive stun, but during his statement to IPRA Officer B offered multiple explanations of when and how the Taser was used, reflecting his inability to accurately recall what occurred.³⁸ For all these reasons, COPA finds that Officer A and B's characterization of Subject 1 as an assailant is entitled to less weight than the accounts of Officers C and D.³⁹ COPA also finds that Officer A punched Subject 1 in the face multiple times and that his use of force was objectively unreasonable under the totality of circumstances confronting him.

COPA recommends a finding of **Exonerated** for **Allegation #2**, that Officer A threw/pulled Subject 1 onto the ground in violation of Rule #8, "Disrespect/maltreatment of any person while on or off duty." According to Subject 1, when Officers A and B first approached him, one officer grabbed him by the pants and the other by the arm, and they threw him to the ground. Subject 1 stated that he did not try to fight, kick, run from, or do anything to resist the officers. According to the case reports and officer statements, however, Officers A and B conducted an emergency takedown of Subject 1 after he began pulling away from them and stated that he wanted to fight. The officers' account of the takedown is partially corroborated by Officer D, who saw Subject 1 pulling his arms away from Officers A and B immediately prior to the takedown. COPA finds that Subject 1 did pull away from Officers A and B or otherwise actively resisted prior to the emergency takedown. Therefore, under the Department's Use of Force Model, Officer A's takedown was an appropriate use of force in response to Subject 1's level of resistance. Based on the totality of the circumstances, Officer A was justified in bringing Subject 1 to the ground in the manner alleged.

COPA recommends a finding of **Not Sustained** for **Allegation #3**, that Officer A placed his knee on Subject 1's stomach in violation of Rule #8, "Disrespect/maltreatment of any person while on or off duty." According to Subject 1, Officer A placed his knee on Subject 1's stomach for an extended period of time, causing him to experience trouble breathing. Officer A denied the allegation, though he acknowledged that he may have been "on top of his stomach, or something of that nature," at some point during the altercation with Subject 1. Officers C and D stated that they observed Officer A on top of Subject 1, but neither of them specifically described Officer A as having placed his knee on Subject 1's stomach. The evidence at hand is insufficient to show that Officer A placed his knee on Subject 1's stomach for any length of time.

COPA recommends a finding of **Exonerated** for **Allegation #4**, that Officer A used a Taser to drive stun Subject 1 in his stomach in violation of Rule #8, "Disrespect/maltreatment of any person while on or off duty." Subject 1 alleged that after Officer A punched him repeatedly, "he shot me with a taser once in my stomach." Officer A, however, denied that he either discharged the Taser's prongs or used the device to drive stun Subject 1. Officer A stated that after Subject 1 was handcuffed, he continued to resist arrest by aggressively kicking his legs and flailing around

³⁸ While COPA does not find Officer B's account of the incident to be credible, COPA did not find evidence that Officer B willfully lied to IPRA or on his reports.

³⁹ Moreover, even assuming, *arguendo*, at some point in the encounter Subject 1 could be classified as an assailant because he attempted to headbutt Officer A, General Order G03-02-01 (Effective Date: May 16, 2002) required Officer A to "escalate or de-escalate to the amount of force which is reasonably necessary to overcome the subject's resistance and to gain control" and to "modify [his] level of force in relation to the amount of resistance offered by the subject." (Use of Force Model, Section II, C, 2). COPA finds that it was unreasonable for Officer A to repeatedly punch Subject 1 simply because Subject 1 attempted to headbutt him.

on the ground. When Officer A noticed that Officer C had a Taser, he asked to borrow it and “displayed the arc of the taser to Mr. Subject 1 in order to deter him from further combative nature.” In other words, he activated the Taser and pointed it at Subject 1 as if to warn him that he would be tased if he continued to resist, but he did not press the activated Taser against Subject 1’s body. Officer A has not deviated from this account since the date of the incident; however, it is directly contradicted by the reports and statements of Officers C and D , as well as Subject 1 himself. Officer C reported that immediately after he handed his Taser to Officer A, Officer A pressed it against Subject 1 ’s torso and “used the taser to drive stun Subject 1.” Officer C was standing less than a foot away from Officer A and Subject 1 at the time that this occurred, and he heard Subject 1 cry out in pain, “like a squeal,” after he was Tased. Similarly, Officer D reported that he was standing approximately 5-6 feet away when he witnessed Officer A use the Taser to drive stun Subject 1.

COPA finds that Officer A drive stunned Subject 1. However, COPA finds that Officer A ’s Taser deployment was authorized under the Department’s Use of Force Model. According to Uniform and Property Order U04-02-04, the field deployment of a Taser is approved when: 1) an officer is confronted with a subject who is an active resister or assailant; and 2) the officer can safely approach the subject within the effective range of the Taser. (Taser Devices, Section II, D, 3). Both of these circumstances were present at the time that Officer A drive stunned Subject 1. Officer A clearly believed that it was safe to approach Subject 1, as he opted to press the Taser directly against Subject 1 ’s torso rather than discharge its prongs from as far away as 18 feet. Additionally, as discussed above, Subject 1 ’s actions were those of an active resister. Although he was lying on the ground in handcuffs when he was tased, all four Officer A accounts indicate that he continued to flail his body and kick out his legs in an attempt to defeat the arrest. Given Subject 1 ’s level of resistance, COPA finds that Officer A ’s decision to drive stun Subject 1 was “an amount of force reasonably necessary based on the totality of the circumstances to perform a lawful task, effect an arrest, overcome resistance, control a subject, or protect themselves or others from injury.” (General Order G03-02, Use of Force Guidelines, Section III, B).

COPA recommends a finding of **Not Sustained** for **Allegation #5**, that Officer A made false charges against Subject 1 in violation of Rule 14, “Making a false report, written or oral.” The essential elements of a cause of action for false arrest or false imprisonment are: (1) that the plaintiff was restrained or arrested by the defendant, and (2) that the defendant acted without having reasonable grounds to believe that an offense was committed by the plaintiff. *Meerbrey v. Marshall Field & Co., Inc.*, 139 Ill. 2d 455, 474 (1990). There is no question that Officer A restrained and arrested Subject 1 ; at issue is whether Officer A had reasonable grounds to believe that Subject 1 had committed a criminal offense (possession of marijuana) at the time he first attempted to take Subject 1 into custody. According to the case reports and Officer A and B’s statements, when the officers approached Subject 1 to conduct a field interview they observed him place a hand rolled object suspected to be marijuana on the ground. Subject 1 then stated, “This is Chicago, it’s just weed, this is what we do.” Subject 1 denied that he had been smoking marijuana or had any marijuana in his possession at the time that Officers A and B first approached him, but, on this issue, the officers’ claims are corroborated by the physical and documentary evidence. Immediately after the incident, Officer A inventoried a brown hand-rolled cigarette containing a green leafy substance suspected to be marijuana. He listed the owner of the seized item as Subject 1 of XXXX S. Hamlin, Chicago, IL 60623. Additionally, Subject 1 ’s medical records document

a positive drug screen for marijuana, and he told hospital personnel that he was assaulted by police for possession of marijuana. The evidence is therefore insufficient to show that Officer A falsely charged Subject 1 with possession of marijuana.

COPA recommends a finding of **Unfounded** for **Allegation #6**, that Officer A failed to complete Department-conducted training on the safe handling and deployment of a Taser device, in violation of Rule 6, “Disobedience of an order or directive, whether written or oral.” Chicago police officers are required to re-certify annually on the safe handling and deployment of Tasers. Officer A presented IPRA with a CLEAR printout of his Taser Qualification/History during his statement on October 13, 2015. This document indicates that Officer A received Taser training on December 20, 2012 and completed his annual recertification training on November 8, 2013. Therefore, Officer A was qualified to use a Taser on June 5, 2014, the date of the incident.

COPA recommends a finding of **Sustained** for **Allegation #7**, that Officer A provided a false oral statement to IPRA on October 13, 2015 when he said that he “did not drive stun Subject 1” with a Taser, in violation of Rule 14, “Making a false report, written or oral.” Rule 14 prohibits the falsification of any report, written or oral. The relevant section of the Collective Bargaining Agreement between the Department and the Fraternal Order of Police, which represents all sworn officers below the rank of sergeant, states that a Rule 14 violation may be made against an officer who (1) “willfully made a false statement; and (2) the false statement was made about a fact that was material to the incident under investigation.” (Collective Bargaining Agreement, Section 6.1, M.) COPA finds that Officer A met both of these conditions when he falsely stated that he did not drive stun Subject 1, a core allegation in this investigation, on three separate and distinct occasions.⁴⁰

The basis for the Rule 14 violation begins with the independent accounts of witness Officers C and D. In both his statement to IPRA and his To-From Report, Officer C was clear: after Officer A asked for the use of Officer C’s Taser, he pressed it to Subject 1’s torso and “used it to drive stun Subject 1.” During his statement, Officer C recounted the incident in a detailed and consistent way. Officer C was able to describe where he was (ten feet away) and what he was doing (looking for the item that Subject 1 dropped) at the time that Officer A asked if anyone had a Taser. Officer C was able to recall that, as he was walking back to give Officer A his Taser, he heard Officer A warn Subject 1 that “if he didn’t stop strugglin’ he was gonna tase ‘em.” He was able to recount the fact that Officer A, who was “on top of” Subject 1, reached back with one of his arms to take the Taser from him. Most importantly, he was able to describe Officer A using the Taser to drive stun Subject 1 *in the torso* while he was less than a foot away, and Subject 1 responding by crying out in pain, “like a squeal.” These details give Officer C’s account indicia of reliability. Similarly, Officer D reported that he witnessed Officer A take Officer C’s Taser and use it to drive stun Subject 1. Although Officer D did not remember exactly where on Subject 1’s body he was tased during his statement to COPA, he was clear in his recollection that the drive stun did occur, and that it “stopped [Subject 1] for a second.” Officer D stated that he was watching from approximately 5-6 feet away at the time that Subject 1 was drive stunned, “kinda standing there, because there, there was enough officers trying to restrain him.” Together, Officer C and

⁴⁰ Officer A specifically denied that he used a Taser to drive stun Subject 1 in his October 13, 2015 statement to IPRA, his November 9, 2017 statement to COPA, and his June 8, 2015 To-From Report to XXth District Commander A. Officer A also did not document the drive stun on his TRR.

Officer D 's accounts lend sufficient corroboration to Subject 1 's allegation that Officer A "shot" him in the stomach with a Taser for COPA to conclude that it did, in fact, occur.

When Officer A was questioned by COPA investigators regarding the Rule 14 allegations, he stated that he stood by the statements he made to IPRA and in his To-From Report in which he denied using a Taser to drive stun Subject 1. Officer A 's explanation for Officers C and D specifically observing him drive stun Subject 1 is incredulous. According to Officer A, the Taser must have come into contact with Subject 1 's body after he deactivated it. Officer A claimed that he never pressed the Taser against Subject 1, even after it was turned off, so Subject 1 must have "raised his lower tor—lower half up to make contact with it." Even if this explanation were plausible, which it is not, it does not account for Officer C 's statement that he heard Subject 1 cry out in pain after he saw Officer A press the Taser against Subject 1 's torso. Moreover, Officer A himself admitted that he did not have an adversarial relationship with Officer C or Officer D , and he offered no reason why they would lie about his actions.

The Taser Deployment Data Report that normally provides clarity as to how an officer has used a Taser does not exist in this case, as Captain A failed to ensure that it was downloaded. When questioned by IPRA investigators, Captain A offered no explanation for her decision not to download the report. This inaction is questionable, particularly when coupled with Captain A's decision to release Subject 1 without charges. Additionally, the one person whom COPA would normally expect to support Officer A 's account, his partner, did not do so during his statement to IPRA. Instead, Officer B offered varying explanations of when and how Officer A used the Taser, before ultimately settling on the answer, "Just don't recall anything about the Taser." Officer B's To-From Report also makes no mention of any Taser use by Officer A, either spark display or drive stun. The lack of corroboration for Officer A 's statement that he "did not drive stun Subject 1" is telling. The only evidence supporting Officer A 's statements regarding the Taser are the self-serving documents he authored. Subject 1 's claim of being drive stunned, on the other hand, is corroborated by the reports and statements of two independent police witnesses, Officers C and D, whom COPA finds credible⁴¹.

COPA finds that Officer A willfully made the false statements and that the false statements were material to the incident under the investigation. COPA does not believe that Officer A would forget drive stunning Subject 1 in the torso, especially when two witness officers recalled the event.⁴² And while Officer A 's use of the Taser ultimately did not violate Department directives, it was certainly a material part of the use of force incident.

⁴¹ The credibility of Officers C and D centers on the detail and certainty of their accounts. COPA finds them to be truthful in all material regards. To accept Officer A 's account of the event would cast severe doubt on the truthfulness of his fellow officers and bring into question whether they intentionally provided false statements.

⁴² When confronted with the Rule 14 allegation, Officer A asserted that he had no reason to lie about the use of the Taser because he was permitted to drive stun Subject 1 under Department directives. However, Officer A almost certainly knew the entire incident would be closely scrutinized given Subject 1 's serious injuries and after Captain A ordered Officer A to take Subject 1 to the hospital and release him without charges. Therefore, Officer A had a clear motive to minimize the type and quantity of force he used. Most importantly, COPA need not prove why Officer A lied to answer the question of whether he lied. COPA finds that he did.

COPA recommends a finding of **Sustained** for **Allegation #8**, that Officer A provided a false written statement to XXth District Commander A on June 8, 2015 when he wrote that “Complainant/offender Subject 1 was never tasered by R/O,” in violation of Rule 14, “Making a false report, written or oral.” Officer A’s To-From Report comprised an official Department report in which he was obligated to give a truthful account of the incident. As discussed above, the statements and To-From Reports of Officers C and D, together with Subject 1’s own description of the incident, indicate that Officer A used Officer C’s Taser to drive stun Subject 1 in the stomach. This is in direct contradiction to Officer A’s claim that “Subject 1 was never tasered by R/O.” Based on the preponderance of the evidence, COPA finds that Officer A’s false statement was willful and material.

2. Officer B

COPA recommends a finding of **Exonerated** for **Allegation #1**, that **Officer B** threw/pulled Subject 1 onto the ground in violation of Rule #8, “Disrespect/maltreatment of any person while on or off duty.” According to Subject 1, when Officers A and B first approached him, one officer grabbed him by the pants and the other by the arm, and they threw him to the ground. Subject 1 stated that he did not try to fight, kick, run from, or do anything to resist the officers. According to the case reports and officer statements, however, Officers A and B conducted an emergency takedown of Subject 1 after he began pulling away from them and stated that he wanted to fight. The officers’ account of the takedown is partially corroborated by Officer D, who saw Subject 1 pulling his arms away from Officers A and B immediately prior to the takedown. COPA finds that Subject 1 did pull away from Officers A and B or otherwise actively resisted. Therefore, under the Department’s Use of Force Model, Officer B’s takedown was an appropriate use of force in response to Subject 1’s level of resistance. Based on the totality of the circumstances, Officer B was justified in bringing Subject 1 to the ground in the manner alleged.

COPA recommends a finding of **Not Sustained** for **Allegation #2**, that Officer B made false charges against Subject 1 in violation of Rule 14, “Making a false report, written or oral.” The essential elements of a cause of action for false arrest or false imprisonment are: (1) that the plaintiff was restrained or arrested by the defendant, and (2) that the defendant acted without having reasonable grounds to believe that an offense was committed by the plaintiff. *Meerbrey v. Marshall Field & Co., Inc.*, 139 Ill. 2d 455, 474 (1990). There is no question that Officer B restrained and arrested Subject 1; at issue is whether Officer B had reasonable grounds to believe that Subject 1 had committed an offense (possession of marijuana) at the time he first attempted to take Subject 1 into custody. According to the case reports and Officer A and B’s statements, when the officers approached Subject 1 to conduct a field interview they observed him place a hand rolled object suspected to be marijuana on the ground. Subject 1 then stated, “This is Chicago, it’s just weed, this is what we do.” Subject 1 denied that he had been smoking marijuana or had any marijuana in his possession at the time that Officers A and B first approached him, but, on this issue, the officers’ claims are corroborated by the physical and documentary evidence. Immediately after the incident, Officer A inventoried a brown hand-rolled cigarette containing a green leafy substance suspected to be marijuana. He listed the owner of the seized item as Subject 1 of XXXX S. Hamlin, Chicago, IL 60623. Additionally, Subject 1’s medical records document a positive drug screen for marijuana, and he told hospital personnel that he was assaulted by police

for possession of marijuana. The evidence is therefore insufficient to show that Officer B falsely charged Subject 1 with possession of marijuana.

3. Officer C

COPA recommends a finding of **Unfounded** for **Allegation #1**, that **Officer C** failed to complete Department-conducted training on the safe handling and deployment of a Taser device, in violation of Rule 6, “Disobedience of an order or directive, whether written or oral.” Department members are required to re-certify annually on the safe handling and deployment of Tasers. Officer C presented IPRA with a CLEAR printout of his Taser Qualification/History during his statement on October 9, 2015. This document indicates that Officer C received Taser training on July 12, 2013. He was, therefore, qualified to carry and use a Taser on June 5, 2014, the date of the incident.

4. Captain A

COPA recommends a finding of **Sustained** for **Allegation #1**, that **Captain A** failed to notify IPRA of Officer A ’s field deployment of a Taser on June 5, 2014, in violation of Rule 6, “Disobedience of an order or directive, whether written or oral.” Pursuant to Special Order S03-02-02, following the field deployment of a Taser by a Department member, “The station supervisor assigned to the district of occurrence will ensure that IPRA is notified and a log number is obtained.” (Other Weapons Discharge Incidents, Section IV, C, 1). As Captain A was the lieutenant-in-charge at the XXth District on the night of June 5, 2014, this responsibility fell to her. In her statement to IPRA, Captain A acknowledged that Officer A informed her that he sparked the Taser during his interaction with Subject 1. Under Uniform and Property Order U04-02-04, this type of Taser use constitutes the field deployment of a Taser.⁴³ As such, Captain A was obligated to inform IPRA about Officer A ’s Taser deployment. In her statement to IPRA, however, she admitted that she never did this.

COPA recommends a finding of **Sustained** for **Allegation #2**, that **Captain A** failed to ensure that a Taser Deployment Data Report was downloaded following Officer A ’s field deployment of a Taser on June 5, 2014, in violation of Rule 6, “Disobedience of an order or directive, whether written or oral.” Pursuant to Special Order S03-02-02, “The station supervisor will download the deployment data consistent with the equipment and software procedures and print a copy of the deployment information.” (Other Weapons Discharge Incidents, Section IV, C, 2). Captain A admitted to IPRA that she was notified of Officer A ’s Taser deployment but failed to ensure that a Taser Deployment Data Report was downloaded.

VII. CONCLUSION

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

Allegation	Finding
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⁴³ Uniform and Property Order U04-02-04 defines the field deployment of a Taser as the discharge of probes, the use of the device to drive stun a subject, or “the use of a spark action during a use-of-force incident.” (Taser Devices, Section II, D, 1.)

Officer A, #XXXX	
1. Punched Subject 1 on his face several times, in violation of Rule 8.	Sustained
2. Threw/pulled Subject 1 onto the ground, in violation of Rule 8.	Exonerated
3. Placed his knee on Subject 1 's stomach, in violation of Rule 8.	Not Sustained
4. Tased Subject 1 in his stomach, in violation of Rule 8.	Exonerated
5. Made false charges against Subject 1, in violation of Rule 14.	Not Sustained
6. Failed to complete Department-conducted training on the safe handling and deployment of a Taser device, in violation of Rule 6.	Unfounded
7. Provided a false oral statement to the Independent Police Review Authority on October 13, 2015, at approximately 5:20pm, at 1615 W. Chicago Avenue, by stating that he "did not dry stun Subject 1" with a Taser, in violation of Rule 14.	Sustained
8. Provided a false written statement to XX th District Commander A on June 8, 2015 by stating that "Complainant/offender Subject 1 was never tasered by R/O," in violation of Rule 14.	Sustained
Officer B, #XXXX	
1. Threw/pulled Subject 1 onto the ground, in violation of Rule 8.	Exonerated
2. Made false charges against Subject 1, in violation of Rule 14.	Not Sustained
Officer C, #XXXX	
1. Failed to complete Department-conducted training on the safe handling and deployment of a Taser device, in violation of Rule 6.	Unfounded
Captain A, #XXXX	
1. Failed to notify the Independent Police Review Authority of a Taser deployment by Officer A, in violation of Rule 6.	Sustained
2. Failed to ensure that a Taser International Deployment Data Report was downloaded, in violation of Rule 6.	Sustained

Approved:

Deputy Chief

Date

Interim Chief Administrator

Date

Appendix A

Assigned Investigative Staff

Squad#:	Seven
Major Case Specialist:	1
Supervising Investigator:	2
Deputy Chief Administrator:	3