

SUMMARY REPORT OF INVESTIGATION

I. EXECUTIVE SUMMARY

Date of Incident:	May 20, 2018
Time of Incident:	4:15 a.m.
Location of Incident:	████████████████████
Date of COPA Notification:	May 21, 2018
Time of COPA Notification:	7:50 a.m.

On May 20, 2018, Officers Jennifer Dodge (Officer Dodge) and Eric King (Officer King) responded to a disturbance call involving ██████████ (██████████) and ██████████ (██████████). When officers arrived, they observed ██████████ holding his daughter, ██████████ standing in the front lobby of the ██████████. ██████████ informed the officers that his daughter had been sprayed with mace. Officers offered to get the child medical attention, but ██████████ declined. ██████████ informed the officers that she had an altercation with ██████████ which resulted in him striking her on the head with a closed fist resulting in a swollen left eye. ██████████ offered ██████████ her cell phone to make a call, but in a rage, he threw the phone at ██████████. Officer King gave verbal commands to ██████████ to place his hands behind his back. ██████████ turned away from Officer King and twisted his arms in an attempt to defeat arrest. Officer King executed an emergency takedown and while Officer King was doing this, ██████████ grabbed his daughter off the top of the counter which resulting in all three individuals falling to the ground. ██████████ struck her head on the glass window as she fell, and she sustained injury to her head. ██████████ finally complied with officers and was transported to the district for processing.

II. INVOLVED PARTIES

Involved Officer #1:	Eric King, Star# 15477, Emp.# ██████████ DOA: December 16, 2009, Officer, 003, ██████████ 1981, Male, Black
Involved Individual #1:	████████████████████ 1979, Male, Black
Involved Individual #2:	████████████████████ 2015, Female, Black

III. ALLEGATIONS

Officer	Allegation	Finding
Officer Eric King	1. It is alleged that on or about May 20, 2018, at approximately 4:15 am, at or near ██████████ ██████████ Officer Eric King, star 15477, committed misconduct through the following act or	Exonerated

	omission, by forcefully taking ██████████ to the ground, causing injury to ██████████ without justification, in violation of rule 8.	
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IV. APPLICABLE RULES AND LAWS

Rules

- 1. Rule 8 – Disrespect to or maltreatment of any person, while on or off duty.

General Orders

- 1. G03-02-01 – Force Options (effective 10/16/17 – 2/28/20)

Federal Laws

- 1. U.S. Constitution, amendment IV

V. INVESTIGATION¹

a. Interviews²

Officer Jennifer Dodge was interviewed by COPA on June 25, 2020, and she stated the following.³ On May 20, 2018, Officer Dodge was working in the 003rd District with her partner, Officer Eric King. Officer Dodge was in uniform and wearing a body-worn camera. Officer Dodge received a call regarding a disturbance in the lobby at ██████████. Officer Dodge and her partner were first on scene to the location. When Officer Dodge observed ██████████ holding a child⁵ in the front lobby of the building. ██████████ seemed kind of upset and was displaying signs of intoxication. ██████████ was a little aggressive and told the officers that his daughter had just been maced or received some remnants from OC⁶ spray. Officer Dodge observed tears on ██████████ face and something coming from her nose. Officer Dodge attempted to get the child medical attention, but ██████████ declined and moved the child away from Officer Dodge.

A woman⁷ came downstairs and Officer Dodge spoke with the woman. The woman told Officer Dodge that there been an altercation between her and ██████████ upstairs in an apartment. The

¹ COPA conducted a thorough and complete investigation. The following is a summary of the material evidence gathered and relied upon in our analysis.

² COPA reached out to ██████████ via phone, mail and in-person visit and he failed to cooperate with COPA. COPA also reached out to ██████████ and she informed the investigator that she would not participate in the COPA investigation.

³ Att. 33.

⁴ Officer Dodge has assisted with other calls involving ██████████ and violence. Officer Dodge did not recognize ██████████ at first, but she did as the incident went on.

⁵ ██████████

⁶ Oleoresin Capsicum

⁷ ██████████

woman told Officer Dodge that she released OC spray/mace in the apartment in an attempt to get ██████ to leave the apartment. The woman did not want to press charges against ██████ walked back and forth in the lobby throughout the entire encounter with the officers. ██████ placed ██████ on the ground at various times during the encounter with the officers. Officer Dodge attempted to get ██████ to leave the property. The woman handed Officer Dodge her cell phone to let ██████ call for a ride. ██████ agreed to leave after he called for a ride. Officer Dodge received the phone from the woman and handed it to ██████ became more belligerent and started cursing at the woman. Initially, Officer King was in between ██████ and ██████ took the phone and threw the phone with force in the direction of the woman in an attempt to hit her with the phone. At that point, Officer King attempted to place ██████ into custody. ██████ was approximately two to three feet away from the child, who was at this time sitting on the security desk,⁸ as Officer King was attempting to handcuff ██████ was not compliant as Officer King attempted to place handcuffs on him. ██████ was also not moving or reaching toward the child when Officer King initially went to place the handcuffs on him. As Officer King was attempting to handcuff ██████ swung away and grabbed his child. At that point, all three individuals fell onto the floor. ██████ was placed into custody and his child received medical attention from EMS. ██████ was transported to the 003rd District. The child received a laceration to the head.

Officer Eric King was interviewed by COPA on June 25, 2020, and stated the following.⁹ On May 20, 2018, Officer King was working in the 003rd District with his partner, Officer Jennifer Dodge. Officer King was in uniform and wearing a body-worn camera. Officer King was dispatched to ██████ by OEMC for a disturbance call. Officer King and his partner were first on scene at the incident location. When Officer King arrived, he observed ██████ daughter ██████ and ██████ girlfriend¹⁰. Officer King described ██████ as intoxicated¹¹ and he was in a rage. ██████ was yelling and screaming, and his hands were balled up in fists as if he was ready to fight. ██████ was yelling at ██████ and the security guards behind the desk. ██████ also told the officers that his daughter had been sprayed with pepper spray. ██████ refused medical attention for ██████ and declined to make a report.

Officer King spoke to ██████ and asked her what was going on. ██████ began ranting and raving again, and became aggressive again to the officers and the security guards. ██████ was also insulting ██████ let ██████ use her phone. ██████ walked over to Officer Dodge to retrieve the phone from her, leaving ██████ sitting on the security counter. Officer King walked over toward the little girl and the front door to create a zone of safety. ██████ took the phone and threw it at ██████ almost hitting her. Officer King realized that his de-escalation tactics were not working. Officer King had spent over 15 minutes trying to calm ██████ down. Officer King made the decision to place ██████ into custody for assault for throwing the phone at ██████ and for criminal damage to property.

Officer King attempted to place ██████ into custody. ██████ was about three to four feet away from ██████ when Officer King attempted to place him into custody. Officer King was

⁸ The security desk was described at about bar counter height. The desk is three sided and the child was placed on the far right of the desk, the side that was closest to the door.

⁹ Att. 34.

¹⁰ Officer King was not able to remember ██████ name.

¹¹ Officer King stated he could smell the alcohol emitting from ██████ and his eyes were red and glossy.

standing near the entrance door, Officer Dodge was standing to left of Officer King, ██████ was on the counter to the right of Officer King and ██████ was in between Officer King and Officer Dodge. Officer King grabbed one of ██████ arms and gave verbal commands for ██████ to place his arms behind his back. ██████ did not follow verbal commands and twisted his body away from Officer King, becoming an active resister.¹² ██████ pulled away from Officer King and whipped away his free hand so Officer King could not handcuff him. ██████ also took steps toward ██████ in an attempt to get away from Officer King. At this point, Officer King was no longer between ██████ and ██████. As Officer King went to the next tactic in the use of force model, an emergency takedown¹³, ██████ grabbed ██████ did not have ██████ when Officer King first attempted to place him into custody by grabbing his arm. Officer King performed an emergency takedown on ██████ was still on the counter when Officer King performed the emergency takedown on ██████. After he performed the emergency takedown, he then noticed that ██████ was also on the ground with him and ██████. Officer King did not see ██████ reach for ██████ during the execution of the emergency takedown. ██████ had a laceration to her head.

b. Digital Evidence

Officer King's body-worn camera begins with him getting out of his squad vehicle on the passenger side and going into the building where the incident occurred.¹⁴ As the officers enter the building, ██████ is standing at the front desk, holding his daughter in his arms. ██████ asks the officers if somebody called the police and he tells the officers he wants to make a police report. ██████ places his daughter down on top of the security desk. ██████ tells the officers that he is not tipsy and that his "baby mama" sprayed pepper spray/mace and that the spray got in his daughter's face. Officer Dodge asks ██████ how old his daughter is, and ██████ tells her that his daughter is three. ██████ picks his daughter up off the counter and holds her in his arms again. ██████ tells the officers he is about to leave, but he does not leave, and he continues to talk to the officers. ██████ keeps telling the officers that his "baby mama" sprayed his daughter with mace. Officer King asks the security guards at the desk if they saw anything. The security guards tells Officer King that they did not see anything, and they just heard commotion. ██████ and one of the guards start to argue with each other.

██████ gets off the elevator and Officer Dodge walks off to the side with ██████ to speak with her. Officer King walks to the side to speak with ██████ after his partner finishes talking to her. ██████ tells Officer King that she sprayed pepper spray because ██████ hit her in her face. ██████ also tells Officer King that ██████ hit her with a phone earlier in the day. Officer King asks ██████ what he is going to do. ██████ continues to be loud and argue with the security guards and the officers. ██████ puts his daughter down and then picks her back up several times before he sits her on top of the security desk. Officer King tries to get ██████ to go upstairs, but ██████ refuses to leave the lobby. ██████ daughter lays her head down on the security desk. ██████ asks for a phone. ██████ offers ██████ her phone and gives it to Officer Dodge, who hands ██████ the phone. ██████ throws the phone toward ██████ who is now on the elevator. Officer King tells ██████ to put his hands behind his back and attempts to place handcuffs on ██████. At the same time Officer

¹² Officer King described an active resister as someone who is fighting and making motions to defeat arrest.

¹³ Officer King described this as taking an arrestee to the ground in order to gain better control.

¹⁴ Att. 22.

King is trying to place handcuffs on [REDACTED] reaches for his daughter and all three individuals fall to the ground.

Officer King's body-worn camera depicts Officer King still on the scene of the incident and [REDACTED] aunt asks officers on scene what happened to her niece.¹⁵ Officer King tells her that [REDACTED] is intoxicated and that he threw a phone at [REDACTED] and when Officer King went to place him in handcuffs, [REDACTED] grabbed his daughter and they all went down together. The woman asks for Officer King's badge number and he provides it to her. Officer King tells other officers on scene what happened. Officer King tells them that [REDACTED] was resisting arrest and he performed an emergency take down. [REDACTED] grabbed his daughter as this was happening and the child hit her head. Officer King tells the officers that [REDACTED] did not have the child when he first went to place him in handcuffs. Officer King asks [REDACTED] to sign a complaint and she does it.

Officer Dodge's body-worn camera begins with her and Officer King walking up to the scene of the incident.¹⁶ Officer King enters the building and they speak to [REDACTED] who is with a young girl [REDACTED] starts telling the officers that his "baby mama" sprayed pepper spray/mace and it went into his daughter's face [REDACTED] starts to yell at Officer Dodge. Officer Dodge asks [REDACTED] who stays at the location and [REDACTED] says his "baby mama" [not [REDACTED] mother] stays there. [REDACTED] tells the officers that his daughter's [REDACTED] mother is locked up. The security guard tells Officer Dodge that [REDACTED] wants to speak to her and Officer Dodge tells the security guard that [REDACTED] can come downstairs. Officer Dodge asks [REDACTED] about a past incident involving him. Officer Dodge asks the child if she is ok. [REDACTED] then starts to argue with the building security guards.

[REDACTED] exits from the elevator and speaks with Officer Dodge. Officer Dodge asks [REDACTED] what happened and if she sprayed mace. [REDACTED] tells the officer that [REDACTED] hit her in her face. [REDACTED] tells Officer Dodge that they just left a family party and they had been cool the entire night. [REDACTED] tells Officer Dodge she sprayed [REDACTED] with mace. [REDACTED] tells the security guard that he is about to walk out of the building, but he does not leave. Officer King asks [REDACTED] what he is going to do, and [REDACTED] tells the officer he is going to leave. [REDACTED] tells Officer Dodge that [REDACTED] can come back upstairs and that she did not call the police. [REDACTED] sits his daughter on the security counter and then he picks her back up. [REDACTED] keeps yelling to [REDACTED] to just come lay down. [REDACTED] keeps yelling at the officers to lock [REDACTED] up. [REDACTED] daughter is laying her head down on the security counter.

[REDACTED] hands Officer Dodge her phone and asks her to hand it to [REDACTED] so he can make a call. Officer Dodge hands [REDACTED] the phone and [REDACTED] gets upset at [REDACTED] and throws the phone at her. Officer King attempts to arrest [REDACTED] and place handcuffs on him but [REDACTED] pulls away.. As [REDACTED] pulls away, he becomes positioned in between [REDACTED] who is sitting on the security counter, and Officer King, who is attempting to place handcuffs on [REDACTED] from behind. [REDACTED] reaches toward his daughter as he is pulling away from Officer King. [REDACTED] and Officer King begin to fall to the ground, and as [REDACTED] is falling, he is able to grab [REDACTED] off of the counter. Officer Dodge yells as they are falling, and [REDACTED] is seen falling into the floor-to-ceiling glass and metal frame, which is opposite of the counter. Officer Dodge calls for backup and EMS. [REDACTED] finally lets the officers place the handcuffs on him. Officer Dodge yells for someone to

¹⁵ Att. 23.

¹⁶ Att. 24.

get a towel for the baby's head. Officer Dodge tells ██████ that he threw his child against the window. ██████ and Officer Dodge get on the elevator to go get ██████ aunt. ██████ and Officer Dodge go back downstairs. ██████ tells Officer Dodge that ██████ is high and that he is not a bad person and he need to go to rehab. Officer King speaks to a sergeant who arrived on scene. Officer King tells the sergeant that ██████ threw the phone at his "baby mama" and he went to place ██████ into custody. Officer King states that he grabbed one arm and then performed an emergency take down because ██████ was trying to get away from him, and ██████ grabbed the child as he was executing the takedown.

Officer Dodge and ██████ walk outside the building to the ambulance with the child in ██████ arms. ██████ gets into the ambulance with the child and the paramedics start to look at the child. Officer Dodge tells ██████ that this has to stop because last time ██████ got hurt and this time it was an innocent child.

c. Physical Evidence

Medical records for ██████ document that ██████ was admitted to the University of Chicago Medical Center Hospital on May 20, 2018 at 4:58am and was subsequently discharged on May 24, 2018.¹⁷ ██████ originally received 3 absorbable sutures and 9 staples for her head wound, but a full trauma workup was requested by DCFS. A head scan was done that revealed ██████ had a mildly depressed left parietal bone fracture with a small quantity of adjacent intracranial hemorrhage. ██████ had a craniotomy done which resulted in 2 different plates and 10 screws being implanted.

d. Documentary Evidence

A case report and arrest report document that ██████ was arrested on May 20, 2018.¹⁸ According to the reports, ██████ was arrested for domestic battery, criminal damage to property and resisting arrest. ██████ told officers that after a verbal altercation with ██████ he struck her on the head with a closed fist resulting in a swollen left eye. ██████ used ██████ cell phone to make a call and in a rage in front of officers threw the phone with excessive force at ██████ Officer King gave verbal commands to ██████ to place his hands behind his back. ██████ turned away from officers and twisted his arms in an attempt to defeat arrest. Officer King executed an emergency takedown and ██████ grabbed his daughter off the top of the counter as he attempted to flee and defeat the arrest. As a result, the child struck her head on the window and sustained a laceration to her head.

Officer King completed a **tactical response report (TRR)** regarding the incident.¹⁹ According to the TRR, ██████ did not follow verbal direction, pulled away and turned and twisted his body. Officer King's response is listed as member presence, verbal direction, tactical positioning, take down, escort holds and emergency handcuffing. The narrative states, ██████ was being placed in custody for a domestic battery and criminal damage to property. Arresting officer gave verbal commands to ██████ to place his hands behind his back. ██████ failed to follow verbal commands by turning away and twisting his body and arms in order to defeat arrest. Arresting

¹⁷ Att. 12.

¹⁸ Atts. 6 & 19.

¹⁹Att. 17.

officer executed an emergency takedown and as [REDACTED] was going down to the ground, he grabbed his daughter who was sitting on top of counter and caused her to strike her head on the window.

VI. LEGAL STANDARD

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

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

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

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

VII. ANALYSIS

COPA makes a finding of **Exonerated** for **allegation #1** against Officer King, in that he committed misconduct by forcefully taking [REDACTED] to the ground, causing injury to [REDACTED] without justification. General Order 03-02-01 outlines the various force options and the circumstances in which officers are authorized to use certain techniques. The order describes different types of subjects, including cooperative subjects and resisters. A resister is described as a person who is uncooperative. Resisters are further subdivided into passive resister and active resister. An active resister is defined as a person who attempts to create distance between himself or herself and the member's reach with the intent to avoid physical control and/or defeat the arrest. This type of resistance includes but is not limited to evasive movement of the arms, failing arms, and full flight running. Force options authorized when dealing with an active resister include, police presence, verbal response, holding techniques, compliance techniques, control instruments, stunning, OC spray, takedown and canines used by canine handlers. A

takedown is described as the act of directing a subject to the ground to limit physical resistance, prevent escape, or increase the potential for controlling the subject.

In the present case, Officer King and Officer Dodge arrived at the scene and found [REDACTED] and his daughter [REDACTED] in the lobby. [REDACTED] was agitated, loud and upset the entire time. Officers Dodge and King asked [REDACTED] what was going on and [REDACTED] informed them that his daughter was sprayed with mace. Although on the video [REDACTED] did not appear to be in distress (she did not appear to be coughing or having difficulty breathing, or crying), Officers attempted to get his daughter medical attention, but [REDACTED] declined. Officers King and Dodge spoke with [REDACTED] for over 15 minutes in an attempt to get him to calm down, but he would not. At one point, [REDACTED] agreed to leave once he had a ride. [REDACTED] gave Officer Dodge her cell phone to give to [REDACTED] so that he could call for a ride. [REDACTED] instead threw [REDACTED] cell phone at her as she was getting on the elevator. At that point, Officer King attempted to place [REDACTED] into custody for criminal damage to property and domestic battery.

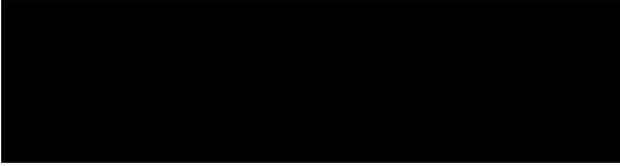
Officer King approached [REDACTED] and gave [REDACTED] verbal commands to place his hands behind his back, but [REDACTED] failed to comply. As Officer King grabbed one of [REDACTED] arms, [REDACTED] pulled away and twisted his body away from Officer King in an attempt to defeat arrest. This resistance also caused a significant change in their positions. [REDACTED] ended up in between Officer King, who was now behind [REDACTED] and [REDACTED] who was seated on the security counter across from the windows. Officer King then made the decision to perform an emergency takedown on [REDACTED] to gain compliance. As Officer King was performing the takedown, [REDACTED] grabbed his daughter which resulted in all three individuals falling to the ground and [REDACTED] being injured. [REDACTED] meets the requirements of being an active resister because he was attempting to create distance between himself and Officer King to avoid being arrested when he refused to give Officer King his arm and twisted his body away. As such, Officer King was authorized to use a takedown on [REDACTED] to gain compliance. Officer King had tried several different approaches before performing the takedown. According to Officer King, and as seen on video, he had tried time and a zone of safety as de-escalation tactics but neither of those worked. Further when Officer King started to perform the takedown on [REDACTED] did not have [REDACTED] in his arms. From the time Officer King first made contact with [REDACTED] to place into custody, until the time the three landed on the ground, took approximately three seconds. As such, COPA makes a finding as exonerated for allegation #1 against Officer King.

VIII. CONCLUSION

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

Officer	Allegation	Finding
Officer Eric King	1. It is alleged that on or about May 20, 2018, at approximately 4:15am, at or near [REDACTED] [REDACTED] Officer Eric King, star 15477, committed misconduct through the following act or omission, by forcefully taking [REDACTED] to the ground, causing injury to [REDACTED] without justification, in violation of rule 8.	Exonerated

Approved:



Angela Hearts-Glass
Deputy Chief Administrator

9-25-2020

Date

Appendix A

Assigned Investigative Staff

Squad#:	5
Investigator:	██████████
Supervising Investigator:	██████████
Deputy Chief Administrator:	Angela Hearts-Glass