

SUMMARY REPORT OF INVESTIGATION

Date/Time/Location of Incident:	27 October 2019 / 04:50 p.m. / 4650 W. North Ave.
Date/Time of COPA Notification:	27 October 2019 / 06:20 p.m.
Involved Officer #1:	Paul Suliga, Star #9352, Employee # [REDACTED], Appointed 16 November 2017, Police Officer, Unit 014, Born 1979, Male, White
Involved Officer #2:	Edward Ranzonni, Star #1776, Employee # [REDACTED], Appointed 25 May 1998, Sergeant, Unit 025, Born 1971, Male, Hispanic
Involved Individual #1:	[REDACTED] Born 1972, Male, Black
Case Type:	Excessive Force

I. ALLEGATIONS

Officer	Allegation	Finding/ Recommendation
Officer Paul Suliga	It is alleged that, on or about 18 May 2019, at approximately 12:55 pm, at or near 2500 North Western Avenue, the accused committed misconduct in that: 1. he used excessive force by twisting [REDACTED] [REDACTED] arm while attempting to place him in handcuffs.	Exonerated

II. SUMMARY OF EVIDENCE¹

COPA initiated this investigation after [REDACTED] made a complaint of excessive force stemming from his arrest at Walmart. COPA obtained relevant evidence, including but not

¹ COPA conducted a full and complete investigation of this matter, including interviews with all pertinent civilian and officer witnesses, and the collection and review of digital, documentary, and forensic evidence. As part of COPA’s ongoing efforts to increase case closure capacity, certain cases are summarized more succinctly in a Modified Summary Report of Investigation, pursuant to COPA Guideline Modified Summary Report of Investigation Template and Approvals, effective February 13, 2019.

limited to, the complainant's statement, arrest report, body worn camera footage and Walmart surveillance video. The interaction between Officer Suglia and ██████ was captured on surveillance footage. The following is a summary of the facts.

The evidence shows that, on 27 October 2019, Officer Saluga was off-duty and working as a part-time loss-prevention employee for the Walmart at West North Avenue in Chicago. He had completed his most recent shift with the Chicago Police Department ("CPD") at 07:00 a.m. on the same day (about ten hours before the incident).²

A Walmart employee observed the complainant, ██████ remove "items for sale on the shelves, place them on his person, and pass the last point of sale" as part of an attempt "to permanently deprive [W]almart of said property without paying."³ The employee detained ██████ and escorted him to a small office inside the store to await the arrival of police. Officer Suliga was in the office and monitored ██████ while he waited.

Initially, ██████ sat on a couch. But, after a brief period, he stood up and attempted to exit the office.⁴ Officer Suliga placed himself between ██████ and the exit. ██████ continued to walk forward, but Officer Suliga extended his arm and pushed ██████ back toward the couch.⁵ As he did so, he announced himself as an off-duty police officer.⁶ ██████ struck the officer's arm and attempted to push the him away.⁷ In response, Officer Suliga attempted to place ██████ in handcuffs.⁸ He took hold of ██████ arms, but ██████ pulled them away and turned his back to the officer.⁹ After some effort, the officer took hold of the upper part of ██████ right arm, and ██████ attempted to pull away from the officer. The officer pulled on ██████ upper arm, and the two men fell forward.¹⁰ On the ground, Officer Suliga succeeded in attaching handcuffs to ██████ right wrist. The two men stood up, but ██████ placed himself behind the officer. Officer Suliga continued to hold onto ██████ wrist. He turned around and attempted to pull ██████ arm behind his back. After another brief struggle, Officer Suliga finally attached the handcuffs to ██████ other wrist.

Officer Suliga returned ██████ to the couch. ██████ sat down, but writhed and moved his body forward. Officer Suliga held ██████ by the shoulder and repeatedly returned him to an upright position. ██████ moved away from the officer and slid off the couch.¹¹ Officer Suliga attempted to return ██████ to a seated position, but ██████ turned his body over and kneeled.¹² Officer Suliga allowed ██████ to remain in that position.

² Att. 18.

³ Att. 03.

⁴ See att. 16.

⁵ See *id.*

⁶ See att. 3.

⁷ See att. 16.

⁸ See att. 3.

⁹ See att. 16.

¹⁰ See *id.*

¹¹ See *id.*

¹² See *id.*

Police officers arrived and placed ██████ in custody. ██████ complained that Officer Suliga used “excessive force,” saying the officer “twisted his wrist too hard” when he placed him in handcuffs.¹³ The officers took ██████ to Norwegian American Hospital for treatment, but medical staff did not find any injuries.¹⁴

Officer Suliga subsequently completed a Tactical Response Report and acknowledged that, during his encounter with ██████ he employed several “control tactics,” including “escort holds,” “wristlock,” “pressure [on] sensitive areas,” and “emergency handcuffing.”¹⁵

III. ANALYSIS AND CONCLUSION

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 occurred and violated Department policy.¹⁶ If the evidence gathered in an investigation establishes that it is more likely that the misconduct occurred, 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.¹⁷ 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.”¹⁸

In this case, there is clear and convincing evidence that Officer Suliga did not use excessive force. Officer Suliga participated in a lawful investigative detention of ██████ after a Walmart employee observed him shoplifting in violation of 720 ILCS 5.0/16-25-A-1. Officer Suliga did

¹³ Att. 06.

¹⁴ *See id.*

¹⁵ *See* att 7.

¹⁶ *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).

¹⁷ *See, e.g., People v. Coan*, 2016 Ill. App 2d 151036 (2016).

¹⁸ *Id.* at ¶ 28.

not attempt to place ██████ in handcuffs until he became combative and struck the officer’s arm. The law permits police officers to apply handcuffs in circumstances which give rise to legitimate concerns for the safety of the officers or the public.¹⁹ *I.e.*, police officers may use handcuffs when such restraints are “reasonably necessary” to ensure the safety of the officers or others.²⁰ Here, ██████ aggressive actions toward Suliga during his attempt to flee clearly compromised the safety of the officer and other people in the store. Therefore, the decision to place ██████ was reasonable under the circumstances.

Officer Suliga announced himself as police officer before he attempted to apply the handcuffs. Nevertheless, ██████ persisted in pushing the officer away as part of his effort to flee. Under CPD’s *Use of Force* directive, a person who attempts to create distance between himself and an officer’s reach is an “active resister.”²¹ And officers may use all the control tactics Suliga employed to apprehend active resisters.²² When ██████ became compliant, Officer Suliga reduced the minimal force he had employed and even tried to help ██████ find a comfortable position. Thus, the officer acted within the scope of the applicable Departmental policies throughout the incident. **Accordingly, COPA finds the allegation against Sergeant Suliga is EXONERATED.**

Ap ██████
 ██████

James Murphy-Aguilu
 Deputy Chief Administrator – Chief Investigator

9/30/20

 Date

¹⁹ *People v. Daniel*, 2013 IL App. (1st) 111876 ¶39 (2013) (quoting *People v. Johnson*, 408 IL App. (3d) 113, 113 (2010)).

²⁰ *Daniel*, 2013 IL App. (1st) at ¶¶40-41.

²¹ General Order G03-02.IV.B.2.

²² See General IV.B.2.c.

Appendix A

Assigned Investigative Staff

Squad#:	06
Investigator:	██████████
Supervising Investigator:	██████████
Deputy Chief Administrator:	James Murphy-Aguilu