

SUMMARY REPORT OF INVESTIGATION

I. EXECUTIVE SUMMARY

Date of Incident:	September 8, 2018 ¹
Time of Incident:	11:00 am
Location of Incident:	3516 W. Huron Street, Chicago, IL 60624
Date of COPA Notification:	September 8, 2018
Time of COPA Notification:	10:19 pm

Department members (Det. Andrew Kemps,² and Officers Jimmy Krklus and Richard Caro) were patrolling the 3500 block of W Huron Street, when they observed Mr. [REDACTED] and a group of several unidentified citizen standing on the sidewalk. The accused observed [REDACTED] yelling “blow” and attempted to detain him for an investigation. [REDACTED] fled on foot and was pursued by Det. Kemps. As [REDACTED] was fleeing, he entered vacant lot towards an ally. Officer Krklus attempted to use the CPD vehicle to block [REDACTED] path of flight. Once [REDACTED] realized the vehicle was blocking his path, he attempted to change direction and fell to the ground. Once on the ground, [REDACTED] was taken into custody, transported to the 011th District Station, and processed.

Upon his release from the 011th District, [REDACTED] sought medical treatment from St. Mary’s of Nazareth Hospital. During his treatment, [REDACTED] informed hospital staff that his foot was ran over by a CPD vehicle that never stopped. [REDACTED] was diagnosed with and treated for mild soft tissue swelling without any fracture or dislocation of his left foot and the released. During his statement to COPA, [REDACTED] made the below allegations. During our investigation COPA determined that all of [REDACTED] allegations were **Not Sustained** or **unfounded**.

II. INVOLVED PARTIES

Involved Detective #1:	Detective Andrew Kemps / Star #20655 / Employee ID# [REDACTED] / DOA: April 26, 2004 / Unit: 620 / DOB: [REDACTED] [REDACTED] 1978 / Male / White
Involved Officer #1:	Officer Jimmy Krklus / Star #11069 / Employee ID# [REDACTED] / DOA: August 14, 2000 / Unit: 313 / DOB: [REDACTED], 1971 / Male / White
Involved Officer #2:	Officer Richard Caro / Star #5368 / Employee ID# [REDACTED] / DOA: January 3, 2005 / Unit: 011/704 / DOB: [REDACTED] 1975 / Male / Hispanic

¹ According to the National Weather Service, Chicago received 0.30 inches of precipitation on September 7, 2018 and 0.00 inches of precipitation on September 8, 2018. Att. 5

² Det. Kemps was appointed Detective on February 7, 2019; he will be referred to by his current position.

Involved Individual #1: [REDACTED] / DOB: [REDACTED] 1993 / Male / Black

III. ALLEGATIONS

Officer	Allegation	Finding / Recommendation
Detective Andrew Kemps	1. Striking Mr. [REDACTED] with a moving CPD vehicle, in violation of Rule 8.	Unfounded.
	2. Running over Mr. [REDACTED] foot with a CPD vehicle, in violation of Rule 8.	Unfounded.
	3. Driving a CPD vehicle on the sidewalk, without justification, in violation of Rule 6.	Unfounded.
	4. Failing to request medical treatment for Mr. [REDACTED] in violation of Rule 6.	Not Sustained.
	5. Failing to document the contact between Mr. [REDACTED] and the CPD vehicle, in violation of Rule 6.	Not Sustained.
	6. Failing to report the contact between Mr. [REDACTED] and the CPD vehicle, in violation of Rule 6.	Not Sustained.
Officer Jimmy Krklus	1. Striking Mr. [REDACTED] with a moving CPD vehicle, in violation of Rule 8.	Not Sustained.
	2. Running over Mr. [REDACTED] foot with a CPD vehicle, in violation of Rule 8.	Not Sustained.
	3. Driving a CPD vehicle on the sidewalk, without justification, in violation of Rule 6.	Not Sustained.
	4. Failing to request medical treatment for Mr. [REDACTED] in violation of Rule 6.	Not Sustained.
	5. Failing to document the contact between Mr. [REDACTED] and the CPD vehicle, in violation of Rule 6.	Not Sustained.
	6. Failing to report the contact between Mr. [REDACTED] and the CPD vehicle, in violation of Rule 6.	Not Sustained.

Officer Richard Caro	1. Failing to request medical treatment for Mr. ██████████ in violation of Rule 6.	Not Sustained.
	2. Failing to document the contact between Mr. ██████████ and the CPD vehicle, in violation of Rule 6.	Not Sustained.
	3. Failing to report the contact between Mr. ██████████ and the CPD vehicle, in violation of Rule 6.	Not Sustained.
	4. Threatening Mr. ██████████ with additional criminal charges if he reported being struck and/or ran over by the CPD vehicle, in violation of Rule 8.	Not Sustained.

IV. APPLICABLE RULES AND LAWS

Rules

1. Rule 6: Prohibits 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.

General Orders

1. G06-01-01 – Field Arrest Procedure – effective December 8, 2017 to current.

Special Orders

1. S04-07-03: Traffic Crashes Involving Department Members – effective March 28, 2018 to current.

V. INVESTIGATION³

a. Interviews

In a **statement to COPA⁴** on April 23, 2019, Mr. ██████████ stated he and nine other people walked to Trumbull and Huron when a CPD vehicle approached them. All the men fled and the CPD vehicle pursued ██████████ on the sidewalk. As ██████████ fled towards St. Louis and Huron he ran through various front and back yards, and vacant lots. Once at Huron, ██████████ entered the alley towards Drake and entered the driveway of a residence. As ██████████ entered the driveway, the CPD vehicle attempted to block his path of flight, hit his shoulder and ran over his left foot. The driver of the CPD vehicle (Officer Krklus), kept the vehicle on ██████████ foot for at least three-minutes until Officer Caro placed him in custody. Officer Krklus never exited the vehicle. ██████████ recalled that he screamed the vehicle was on his foot and requested medical attention. ██████████

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

⁴ Att. 12.

informed Officer Caro that his foot hurt, because Officer Krklus had run his foot over. Officer Caro responded by telling ██████ that he slipped and fell in the mud. Officer Caro also informed ██████ he was being charged with a misdemeanor for running and not to complain to anyone about his foot or he would receive additional charges. ██████ was transported to the 011th District Station.

Once at the station ██████ was walking with a limp but was never asked by any Department member why he was limping. ██████ explained that he did not inform any Department members of his injuries because he did not want any additional criminal charges.

In detailing being struck by the CPD vehicle, ██████ explained that the front driver's wheel ran over his left foot and the rear driver's wheel stopped on top of his left foot. ██████ identified the officer who threatened him with additional criminal charges as Officer Caro.⁵ ██████ admitted he has a history of drug sales. ██████ explained that he fled because the CPD vehicle approached him and drove over a curb.

In a **statement to COPA**⁶ on August 15, 2019, **Detective Andrew Kemps** stated he was the front passenger seat of an unmarked CPD vehicle, when he observed ██████ and several other individuals standing near Trumbull and Huron and heard ██████ yelling "blow."⁷ Based on this observation, Det. Kemps believed that ██████ was offering to sell narcotics. Det. Kemps exited the vehicle to approach ██████ responded by fleeing on foot. Det. Kemps pursued ██████ on foot, while Officer Krklus and Caro remained in the vehicle. As ██████ entered the alley to the north of Huron, Det. Kemps observed the vehicle enter the alley so he stopped pursuing ██████ and returned to Huron in anticipation of ██████ fleeing the alley back on to the road way; however, ██████ was detained and arrested by Officers Krklus and Caro. Once ██████ was arrested, he was transported to 011th District Station and processed for soliciting unlawful business.

Det. Kemps was clear that Officer Krklus was driving the vehicle and that Officer Caro was seated in the rear seat. Det. Kemps added that at no time did he witness the CPD vehicle drive on the sidewalk. Further, Det. Kemps was clear, that while he did not witness the apprehension of ██████ he was informed that ██████ had fallen, and that no one ever made any remarks that ██████ was struck by a vehicle. Officer Kemps explained that after ██████ arrest, he did not witness ██████ walking with a limp or any other indications that ██████ was injured. Finally, Det. Kemps explained that at no time did ██████ ever request any form of medical treatment.

In a **statement to COPA**⁸ on September 4, 2019, **Officer Jimmy Krklus** stated essentially the same information as Det. Kemps. Additionally, Officer Krklus explained that he was the driving the CPD vehicle and on Det. Kemps began to pursue ██████ on foot he drove the vehicle into an alley to stop ██████ path of flight. As ██████ observed the vehicle in front of him, he attempted to change direction but slipped and fall to the ground. Once ██████ was on the ground Officer Caro placed him into custody.

⁵ ██████ identified Officer Caro by name. Relevant portion at 10:25 of Att. 12.

⁶ Att. 47.

⁷ Officer Kemps explained that based on his training and experience "blow" means heroin.

⁸ Att. 51.

Officer Krklus was clear that the vehicle was approximately 10-feet away from ██████ as he slipped and fell, and at no time did he drive on any sidewalk. Officer Krklus was clear that at no time did ██████ complain about or request medical treatment for any injuries nor did Officer Krklus observe any indications that ██████ was injured. Additionally, Officer Krklus was clear that at no time did he strike ██████ with the vehicle nor did he run over ██████ in any manner. Officer Krklus explained that if he had in fact struck or ran over ██████ with the vehicle, he would have notified his sergeant, the watch commander, and OEMC, and completed a traffic crash report. Further, ██████ was clear he never heard Officer Caro threaten ██████ with additional criminal charges; in fact, Officer Krklus explained based on all the facts leading up to ██████ arrest the only offense he could have been charged with was solicitation of unlawful business. Finally, Officer Krklus explained that a few days after ██████ arrest, he encountered him riding a bicycle while threatening to sue officers.⁹

In a **statement to COPA**¹⁰ on September 5, 2019, **Officer Richard Caro** stated essentially the same information as Officer Krklus; however, Officer Caro could not recall if he pursued ██████ on foot or remained in the vehicle with Officer Krklus. Officer Caro was clear that at no time did the CPD vehicle strike or run over ██████ and that if it had, Officer Caro would have notified his sergeant, OEMC, and requested medical treatment. Officer Caro denied threatening ██████ with additional criminal charges if he had reported being struck or ran over by the CPD vehicle. Further, Officer Caro was clear that at no time did ██████ request medical treatment or show any signs on injury.

b. Documentary Evidence

Sgt. Medina's Initiation Report¹¹ details his response to St. Mary's Hospital for a complaint being made by ██████ Upon arrival, Sgt. Medina learned that ██████ was playing dice on the sidewalk immediately prior to fleeing from the members. The members pursued ██████ in a CPD vehicle into an empty lot. The driver of the CPD vehicle attempted to block ██████ path of flight, running over his left foot with the front driver's tire in the process. ██████ was arrested. ██████ was unable to identify the members but describe the driver of the vehicle as a grey-haired white male, approximately 40-years old wearing a uniform with an Investigator tag.

An **Original Case Incident Report**¹² and ██████ **Arrest Report**¹³ detail the members were on a patrol related to complaints of young black males selling narcotics near the corner of Trumbull and Huron when they observed ██████ and several other black males on the corner. ██████ was yelling "blow" to by passers.¹⁴ The members approached ██████ grabbed his left side and fled west on Huron. ██████ actions caused the members to believe he was possibly armed. During his flight, ██████ slipped and fell in the alley behind 3512 W. Huron. The members placed ██████ in custody and transported him to the 011th District Station. ██████ was

⁹ Officer Krklus explained that he did not take any enforcement action during this subsequent encounter.

¹⁰ Att. 55.

¹¹ Att. 4, pgs. 2 and 3.

¹² Att. 4, pgs. 6 and 7.

¹³ Att. 4, pgs. 8 to 12.

¹⁴ The reports detail "blow" as a commonly known term for heroin.

charged with soliciting unlawful business. [REDACTED] Arrest Report details that after a visual check of [REDACTED] there was no signs of pain or injury and that [REDACTED] did not inform any Department members of any injuries or pain.¹⁵

A **Traffic Crash Report**¹⁶ details that an unknown driver of an unknown police vehicle ran over [REDACTED] foot as he was fleeing from them.

[REDACTED] **Medical Records**¹⁷ detail that he complained of injury to his left foot. [REDACTED] informed the Emergency Room staff that he was crossing the street when a CPD vehicle ran over his left foot and then fled the area.¹⁸ [REDACTED] was diagnosed with mild soft tissue swelling without any fracture or dislocation of his left foot.¹⁹ [REDACTED] foot was wrapped in an ace bandage, he was referred to a podiatrist, and discharged.²⁰

Photographs of [REDACTED] details [REDACTED] showing an Evidence Technician his left foot that is wrapped in an ace bandage and in a walking shoe. Other than the bandage there is no visible sign of injury.

VI. ANALYSIS

a. Vehicle Operation Allegations

COPA finds that Allegations #1, 2, and 3 against Det. Kemp are **unfounded**. COPA determined, based on [REDACTED] and the members' statements, that Det. Kemp was not the driver of the CPD vehicle, and therefore were incapable of controlling the movement of the vehicle.

COPA finds that Allegations #1, 2, and 3 against Officer Krklus are **not sustained**. COPA was unable to locate any evidence, other than [REDACTED] own statement, to support the allegations. Additionally, COPA was unable to locate any evidence, other than the members' statements, to refute the allegations. Therefore; COPA is unable to determine if the alleged conduct occurred.

b. Request Medical Treatment Allegations

COPA finds that Allegations #4 against Det. Kemp and Officer Krklus and Allegation #1 against Officer Caro are **not sustained**. COPA was unable to locate any evidence, other than [REDACTED] own statement, to support the allegations. Additionally, COPA was unable to locate any evidence, other than the members' statements, to refute the allegations. Therefore; COPA is unable to determine if the alleged conduct occurred.

¹⁵ Att. 4, pg. 11.

¹⁶ Att. 4, pgs. 4 & 5.

¹⁷ Att. 16.

¹⁸ Att. 16, pg. 7.

¹⁹ Att. 16, pgs. 9, 13 to 16.

²⁰ Att. 16, pg. 10.

²¹ Att. 19.

c. Failure to Report and Document Allegations

COPA finds that Allegations #5 and 6 against Det. Kemps and Officer Krklus and Allegations #2 and 3 against Officer Caro are **not sustained**. Since COPA was unable to determine if the alleged physical contact between [REDACTED] and the CPD vehicle occurred, COPA has no ability to determine if any reporting or documentation was needed.

d. Threat Allegation

COPA finds that Allegation #4 against Officer Caro is **not sustained**. COPA was unable to locate any evidence, other than [REDACTED] own statement, to support the allegations. Additionally, COPA was unable to locate any evidence, other than the members’ statements, to refute the allegations. Therefore; COPA is unable to determine if the alleged conduct occurred.

VII. CONCLUSION

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

Officer	Allegation	Finding / Recommendation
Detective Andrew Kemps	1. Striking Mr. [REDACTED] with a moving CPD vehicle, in violation of Rule 8. 2. Running over Mr. [REDACTED] foot with a CPD vehicle, in violation of Rule 8. 3. Driving a CPD vehicle on the sidewalk, without justification, in violation of Rule 6. 4. Failing to request medical treatment for Mr. [REDACTED] in violation of Rule 6. 5. Failing to document the contact between Mr. [REDACTED] and the CPD vehicle, in violation of Rule 6. 6. Failing to report the contact between Mr. [REDACTED] and the CPD vehicle, in violation of Rule 6.	Unfounded. Unfounded. Unfounded. Not Sustained. Not Sustained. Not Sustained.
Officer Jimmy Krklus	1. Striking Mr. [REDACTED] with a moving CPD vehicle, in violation of Rule 8. 2. Running over Mr. [REDACTED] foot with a CPD vehicle, in violation of Rule 8.	Not Sustained. Not Sustained.

	<p>3. Driving a CPD vehicle on the sidewalk, without justification, in violation of Rule 6.</p> <p>4. Failing to request medical treatment for Mr. [REDACTED] in violation of Rule 6.</p> <p>5. Failing to document the contact between Mr. [REDACTED] and the CPD vehicle, in violation of Rule 6.</p> <p>6. Failing to report the contact between Mr. [REDACTED] and the CPD vehicle, in violation of Rule 6.</p>	<p>Not Sustained.</p> <p>Not Sustained.</p> <p>Not Sustained.</p> <p>Not Sustained.</p>
<p>Officer Richard Caro</p>	<p>1. Failing to request medical treatment for Mr. [REDACTED] in violation of Rule 6.</p> <p>2. Failing to document the contact between Mr. [REDACTED] and the CPD vehicle, in violation of Rule 6.</p> <p>3. Failing to report the contact between Mr. [REDACTED] and the CPD vehicle, in violation of Rule 6.</p> <p>4. Threatening Mr. [REDACTED] with additional criminal charges if he reported being struck and/or ran over by the CPD vehicle, in violation of Rule 8.</p>	<p>Not Sustained.</p> <p>Not Sustained.</p> <p>Not Sustained.</p> <p>Not Sustained.</p>

A [REDACTED] _____ 9/30/20 _____
 James Murphy-Aguilu Date
 Deputy Chief Administrator – Chief Investigator

Appendix A

Assigned Investigative Staff

<p>Squad#:</p> <p>Investigator:</p> <p>Supervising Investigator:</p> <p>Deputy Chief Administrator:</p>	<p>2</p> <p>[REDACTED]</p> <p>[REDACTED]</p> <p>James Murphy-Aguilu</p>
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