

**SUMMARY REPORT OF INVESTIGATION**

**I. EXECUTIVE SUMMARY**

Date of Incident:	January 29, 2019
Time of Incident:	9:43 a.m.
Location of Incident:	3250 W. Adams St. / John Marshall Metropolitan High School
Date of COPA Notification:	February 4, 2019
Time of COPA Notification:	12:53 p.m.

Chicago Police Department (“CPD”) Officers Johnnie Pierre and Sherry Tripp were working at John Marshall Metropolitan High School (“Marshall H.S.”) as School Resource Officers on January 29, 2019. They were asked to escort student ██████████ out of school for being disruptive. Ms. ██████████ refused to leave, and a struggle ensued, causing the student and Officer Pierre to fall down a flight of stairs to a landing between the first and second floors (“landing”). A combative struggle to gain control of Ms. ██████████ continued, during which time she was dragged down numerous stairs from the landing by Officer Pierre, struck by Officer Tripp and tased twice by Officer Pierre. The incident drew a crowd of students that quickly became chaotic. Ms. ██████████ was ultimately placed in custody and charged with resisting arrest and aggravated battery to a peace officer. This incident was reviewed by the Cook County State’s Attorney’s Office; charges against Ms. ██████████ were dismissed<sup>1</sup> and to date, criminal charges have not been filed against either involved officer. COPA’s investigation focused upon the force used to bring Ms. ██████████ into custody and related conduct, sustaining several allegations, the most serious of which was the excessive force by Officer Pierre.

**II. INVOLVED PARTIES**

Involved Officer #1:	Johnnie Pierre, Star# 17178, Employee No. ██████████, Date of Appointment: 9/25/06, Police Officer, 180 / 640, DOB: ██████████78, Male, Black
Involved Officer #2:	Sherry Tripp, Star# 3402, Employee No. ██████████, Date of Appointment: 2/19/13, Police Officer, 011, DOB: ██████████83, Female, Black
Involved Individual #1:	██████████ DOB: ██████████02, Female, Black

<sup>1</sup> Due to her age and the nature of the charges, Ms. ██████████ was charged as juvenile. Juvenile court records and proceedings are generally not available to the public. (See 705 ILCS 405 *et seq.*) However, it was widely publicized in the media that the charges against Ms. ██████████ were dismissed. The dismissal of the charges was also made public in filings by Ms. ██████████ attorneys in the civil case filed on her behalf regarding this incident. (See, *e.g.*, Attachment 127, paragraph 3.)

III. ALLEGATIONS

Officer	Allegation	Finding
Officer Johnnie Pierre	It is alleged that on or about January 29, 2019 at approximately 9:49 a.m. at or near John Marshall High School, 3250 W. Adams St., Officer Johnnie Pierre #17178 committed misconduct through the following acts or omissions, by:	
	1. Forcefully grabbing ██████████ around or about the shoulders or arms without justification.	Sustained
	2. Forcefully grabbing ██████████ ankle and dragged her down the stairs without justification.	Sustained
	3. Forcefully grabbing ██████████ arms and legs without justification.	Exonerated
	4. Forcefully taking ██████████ to the ground without justification.	Not Sustained
	5. Stepping on or about ██████████ stomach area without justification.	Sustained
	6. Striking ██████████ body with open hand strikes.	Not Sustained
	7. Striking ██████████ body with closed hand strikes and/or punches.	Not Sustained
	8. Discharging your taser at or in the direction of ██████████ without justification.	Exonerated
	9. It is alleged that on or about January 29, 2019 at approximately 9:45 a.m., at or near 3250 W. Adams St., Officer Johnnie Pierre failed to activate his body-worn camera in violation of S03-14.	Sustained
10. It is alleged that on or about January 29, 2019 Officer Johnnie Pierre provided inaccurate and/or misleading details to Officer Corry Williams regarding the arrest of ██████████ which were documented in the Original Case Incident Report by Officer Williams.	Not Sustained	

<p>Officer Sherry Tripp</p>	<p>It is alleged that on or about January 29, 2019 at approximately 9:49 a.m. at or near John Marshall High School, 3250 W. Adams St., Officer Sherry Tripp #3402 committed misconduct through the following acts or omissions, by:</p> <ol style="list-style-type: none"> <li>1. Forcefully taking ██████████ to the ground without justification.</li> <li>2. Striking ██████████ head without justification.</li> <li>3. Forcefully grabbing ██████████ arms and/or legs without justification.</li> <li>4. Kicking ██████████ about the body without justification.</li> <li>5. It is alleged that on or about January 29, 2019 at approximately 9:45 a.m., at or near 3250 W. Adams St., Officer Sherry Tripp failed to activate her body-worn camera in violation of S03-14.</li> <li>6. It is alleged that on or about January 29, 2019 Officer Sherry Tripp provided inaccurate and/or misleading details to Officer Corry Williams regarding the arrest of ██████████ which were documented in the Original Case Incident Report by Officer Williams.</li> <li>7. It is alleged that on or about January 29, 2019 at approximately 5:00 p.m., Officer Sherry Tripp documented inaccurate and/or misleading information in the Arrest Report of ██████████</li> </ol>	<p>Not Sustained</p> <p>Exonerated</p> <p>Not Sustained</p> <p>Unfounded</p> <p>Sustained</p> <p>Not Sustained</p> <p>Not Sustained</p>
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**IV. APPLICABLE RULES AND LAWS**

Rules of Conduct

Rule 01: Violation of any law or ordinance.

Rule 02: Any action or conduct which impedes the Department’s efforts to achieve its policy and goals or brings discredit upon the Department.

Rule 06: Disobedience of an order or directive, whether written or oral.

Rule 08: Disrespect to or maltreatment of any person, while on or off duty.

Rule 09: Engaging in any unjustified verbal or physical altercation with any person, while on or off duty.

Rule 10: Inattention to duty.

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

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#### General Orders

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1. G02-01: Human Rights and Human Resources
  2. G03-02: Use of Force (effective October 16, 2017 – February 28, 2020)
  3. G03-02-01: Force Options (effective October 16, 2017 – February 28, 2020)
  4. G03-02-04: Taser Use Incidents (effective October 16, 2017 – February 28, 2020)
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#### Special Orders

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1. S03-14: Body Worn Cameras
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#### Federal Laws

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1. United States Constitution, Amendment IV
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#### State Laws

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1. Constitution of the State of Illinois, Art. I, Sec. 6
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## V. INVESTIGATION<sup>2</sup>

### a. Interviews<sup>3</sup>

This incident became the subject of a criminal investigation by the Cook County State's Attorney's Office ("CCSAO"), who conducted interviews of several individuals. COPA investigators were present and involved in some of those interviews, as part of an agreement with those individuals and their attorneys.<sup>4</sup>

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<sup>2</sup> COPA conducted a thorough and complete investigation. The following is a summary of the material evidence gathered and relied upon in our analysis.

<sup>3</sup> COPA conducted numerous additional interviews that are not summarized here, as they were ultimately deemed immaterial to the investigation. They included interviews of ██████████ (Att. 42), ██████████ (Att. 86), ██████████ (Att. 92), ██████████ (Att. 94), ██████████ (Att. 96), ██████████ (Att. 98), ██████████ (Att. 100), ██████████ (Att. 105) and ██████████ (Att. 107).

<sup>4</sup> COPA had made numerous attempts between February and April of 2019 to schedule a statement with ██████████ and ██████████ through their attorneys. The attorney for the ██████████ stated that due to the traumatic experience of the incident, they would only provide a single interview at the CCSAO, during which COPA would be allowed attend and participate. (See Attachment 125). The interviews of the ██████████ which occurred on April 23, 2019, were both timely and sufficient for COPA. With the passage of time since the trauma of the incident, COPA

**Investigative Reports** from the **CCSAO Investigation's Bureau** summarized several interviews that were conducted by CCSAO Investigators.<sup>5</sup> The following summaries of the interviews of [REDACTED] and [REDACTED] are from those Investigative Reports.<sup>6</sup>

[REDACTED] ("Ms. [REDACTED] was interviewed on April 23, 2019, at the CCSAO about the incident she was involved in on January 29, 2019, at Marshall High School. Present for this interview were CCSAO investigators and assistant State's Attorneys ("ASA"), her attorneys, Department members and COPA investigative personnel. Ms. [REDACTED] reported that she was in class on the date of the incident waiting to take a practice SAT test. Ms. [REDACTED] said she was using her cell phone in class and received an in-school suspension for using her cell phone. The Assistant Principal came to the classroom and escorted her to the in-school suspension room. Ms. [REDACTED] said Security Officer [REDACTED] came to the room and told her she had to stay in the in-school suspension room all day. Ms. [REDACTED] said she was not happy about that and left the room. Security Officer [REDACTED] then told Ms. [REDACTED] to get her coat because her father was coming to get her.

Ms. [REDACTED] went to the first floor, saw her father, and told him that she was not going home because she did not do anything. She asked to speak to the Assistant Principal, but Ms. [REDACTED] said he was not available. Ms. [REDACTED] then went to the second-floor stairwell, where she walked around hitting and kneeing things because she was upset. Near the second-floor stairwell, two other school Security Officers, [REDACTED] and [REDACTED] told her she should leave the school, but Ms. [REDACTED] told them she was not going home. Ms. [REDACTED] recalled having a brief conversation with a friend, [REDACTED] whom she told she was being suspended for using her phone. Her friend said that was crazy, gave Ms. [REDACTED] a hug and left.

Ms. [REDACTED] said about this time two police officers (now known to be Officers Pierre and Tripp) approached her and Officer Pierre told her she had to either go to the in-school suspension room or go home. Ms. [REDACTED] said she started to walk away from the officers when Officer Pierre grabbed her and pulled her towards the stairway. Ms. [REDACTED] said once they got to the top of the stairs, she feared she would fall and grabbed Officer Pierre's vest, which caused both of them to fall down the first set of stairs. Once they got to the landing, Ms. [REDACTED] got up before Officer Pierre and both officers grabbed her. Ms. [REDACTED] could not recall what else occurred on the landing. However, Ms. [REDACTED] did recall being dragged down the second set of stairs to the first floor by Officer Pierre, and Officer Tripp striking her in the face. After being shown video from the first floor, Ms. [REDACTED] also recalled Officer Pierre hitting her. Ms. [REDACTED] bit Officer Tripp's hand only after Officer Tripp punched her after they were on the first floor. She also kicked and

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again contacted [REDACTED] attorney in January 2021, requesting an interview of her without other agencies present. That request was declined, citing the traumatic nature of the incident. (See Attachment 126).

<sup>5</sup> Attachment 84.

<sup>6</sup> Other persons (including [REDACTED] [REDACTED] Officer Johnnie Pierre and Officer Sherry Tripp) were interviewed by the CCSAO and contained in these Investigative Reports. However, their statements are not summarized here because they are either not material to this investigation, or they are substantially similar to statements provided to COPA. Where material, any differences in a person's statement to CCSAO is noted in this report.

<sup>7</sup> Attachment 84.

punched at the officers to protect herself. Ms. ██████ did not recall the officers saying anything to her during the altercation. Ms. ██████ said the struggle with the officers ended when other officers arrived and one of them took her into the room used by the school resource officers. While inside the room she noticed that her lip was bleeding, she had scratches on her cheek, and bruises and scrapes on her elbow and head. At the hospital, Ms. ██████ was informed that she was being arrested for assaulting the officers.

Ms. ██████ explained that she has an Individual Education Program (“IEP”) with the school, which the school, the security officers and the police officers should be aware. It indicates that she is triggered by people in authority. Ms. ██████ says things one time, does not repeat it and does not argue. She does not listen to others and does not take feedback. Ms. ██████ did not go home as ordered because she did not think that a cell phone violation warranted her being sent home. Instead, she went to the second floor to see “what played out.”

██████ (“Mr. ██████ was interviewed on April 23, 2019, at the CCSAO about the incident involving his daughter, ██████ on January 29, 2019, at Marshall H.S. Present for his interview were CCSAO investigators and assistant State’s Attorneys (“ASA”), his attorneys, Department members and COPA investigative personnel. He said he received a call on his cell phone from the Assistant Principal, ██████ (“Mr. ██████ at about 9:00 a.m. on the morning of the incident. Mr. ██████ said he was told by Mr. ██████ that he needed to pick up his daughter because she would not give up her cell phone. Mr. ██████ told him his daughter was going to take a test and he should pick her up when she finished. Mr. ██████ said he received a second call a few minutes later from Security Officer ██████ who told him he had to pick up his daughter right away because she was acting up. Mr. ██████ said he proceeded to the high school and was there within five minutes.

When Mr. ██████ got to the school, he was met at the front by Ms. ██████ Mr. ██████ also saw his daughter at this time, and he asked where Mr. ██████ and ██████ case worker were so he could speak to them. Mr. ██████ was informed they were in a meeting and unavailable. At this point, his daughter said that she was not leaving and walked upstairs. Mr. ██████ was at the school for about 10 minutes when he saw two police officers (now known to be Officers Tripp and Pierre) walk past him. Mr. ██████ did not speak with them, but he knew these officers were assigned to the school. Mr. ██████ said the next thing he saw was his daughter being dragged down the stairs by Officer Pierre, who was pulling her leg. Officer Tripp had her arms around his daughter’s neck, and he yelled to the officers that his daughter cannot breathe. Mr. ██████ said one of the officers responded, “Yes she can she’s talking.” Mr. ██████ was told by the officers to stand back and be quiet. He heard his daughter cursing at the officers, telling them to get off her, and that they were hurting her.

Mr. ██████ said sometime during the struggle between the officers and her daughter, other officers arrived on the scene. One of the responding officers told Officer Tripp to let his daughter go and she was placed into a room. After several minutes Mr. ██████ was allowed to see his daughter and noticed she was bleeding from her mouth and cheek. Mr. ██████ requested that his daughter be taken to a hospital and an ambulance took her to Mt. Sinai hospital. Mr. ██████ was

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<sup>8</sup> *Id.*

told his daughter was being charged with assaulting the officers, which he questioned because he believed she was the recipient of the assault.

██████████ was interviewed on May 8, 2019, at Marshall H.S. by CCSAO investigators about the incident involving ██████████ and two Chicago Police Officers, on January 29, 2019, at the school. He said he was one of two assistant principals at Marshall High School on the date of the incident, and his responsibilities included operations and discipline. At around 9:00 a.m., he received a call over the school radio requesting his assistance in ██████████ classroom regarding ██████████ who was disrupting the class and refused to leave. When Mr. ██████████ relocated to the classroom, ██████████ and Security Officers ██████████ and ██████████ were trying to convince Ms. ██████████ to leave the classroom. Mr. ██████████ described that Ms. ██████████ initially refused to accompany them to the in-school suspension room, subsequently tipped over desks and then wandered the halls. These actions resulted in him calling her father, Mr. ██████████ to pick her up. Mr. ██████████ later learned that Ms. ██████████ was fighting with the School Resource Officers near Door 8. Mr. ██████████ relocated to that location and observed Ms. ██████████ on the ground kicking, screaming and using profanity at the officers. Mr. ██████████ said the officers were trying to restrain Ms. ██████████ who was flailing her arms and yelling. He could not recall what she was saying, but he heard both officers telling Ms. ██████████ to calm down and stop fighting. Mr. ██████████ also recalled Officer Tripp ordering Ms. ██████████ to let go of her thumb or finger. Mr. ██████████ witnessed this struggle for a few minutes before other police officers arrived.

Mr. ██████████ said it's unusual to use School Resource Officers for incidents involving students. He said the school's policy is for school security or administrators to remove students from the classroom and escort them to the front door, even during arrest situations. Mr. ██████████ said that both he and Security Officer ██████████ have a good rapport with Ms. ██████████ and are usually able to communicate their message to her.

██████████ ("Ms. ██████████ was interviewed on May 8, 2019, at Marshall H.S. by CCSAO investigators about the incident involving ██████████ and two Chicago Police Officers, on January 29, 2019, at the school. She said she was working as a teacher of Civics and Contemporary Art at Marshall High School on the date of the incident and Ms. ██████████ was a student in her classroom. She went on to describe Ms. ██████████ conduct in her classroom that morning, including Ms. ██████████ prohibited use of a cell phone to play music, and yelling and using profanity toward Ms. ██████████ and Security Officer ██████████. Mr. ██████████ tried to get Ms. ██████████ to calm down and leave the room, but she would not go. Assistant Principal ██████████ and security Officer ██████████ came to the classroom and eventually convinced Ms. ██████████ to leave. As she was leaving, she grabbed a cup of pens and pencils and threw them at Ms. ██████████

██████████ ("Ms. ██████████ was interviewed in the presence of her mother on May 16, 2019, at Marshall High School by CCSAO investigators about the incident involving ██████████ and two Chicago Police Officers, on January 29, 2019, at the school. She said she met

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<sup>9</sup> *Id.*

<sup>10</sup> *Id.*

<sup>11</sup> *Id.*

██████████ at Marshall High School and they became friends. Ms. ██████████ was a senior at Marshall High School when the incident occurred. She was in the second-floor hallway on the morning of January 29, 2019, between classes when she saw two police officers approach Ms. ██████████. Ms. ██████████ heard the male officer (now known to be Officer Pierre) tell Ms. ██████████ that she had to go, and they did not want her in the school. She heard Ms. ██████████ reply that she was not going anywhere. Ms. ██████████ said Ms. ██████████ seemed upset and mad. Ms. ██████████ wanted to calm her friend down, so she went up to her and pulled her into a hug and told her go downstairs or go home. Ms. ██████████ said it seemed that Ms. ██████████ had decided she was going to leave the school, so Ms. ██████████ went up the stairs for her next class. The next thing she saw was Officer Pierre with his arms around Ms. ██████████ and Ms. ██████████ trying to pull away from the officer. Ms. ██████████ said that once Ms. ██████████ and Officer Pierre were at the top of the stairs, she saw Ms. ██████████ grab the officer by his shirt, which is why they fell down the stairs.

Once Ms. ██████████ and Officer Pierre fell to the landing between the first and second floors, Ms. ██████████ saw the female officer (now known to be Officer Tripp) follow them. Ms. ██████████ said it looked like Ms. ██████████ was still resisting Officer Pierre on the landing, and Officer Pierre had his knee on her back. Ms. ██████████ got away from the officer and then Officer Pierre grabbed Ms. ██████████ by the hair and pulled her to the ground. Both officers then jumped on Ms. ██████████. Officer Tripp began punching Ms. ██████████ and placed her knee on Ms. ██████████ back. Ms. ██████████ then saw Officer Pierre grab Ms. ██████████ by her legs and drag her down a flight of stairs to the first floor. Ms. ██████████ said she wanted to go down there to help Ms. ██████████ but was prevented from doing so by Security Officer ██████████. Ms. ██████████ said she saw Officer Pierre use a Taser on Ms. ██████████ which apparently had no effect. Ms. ██████████ saw Officer Pierre handcuff Ms. ██████████ and eventually Ms. ██████████ proceeded to her next class.

**Witness ██████████** (“Ms. ██████████ was interviewed by COPA investigators on March 27, 2019.<sup>12</sup> In her statement, Ms. ██████████ said she was working as a Security Officer in Marshall H.S. on January 29, 2019. Ms. ██████████ described that Ms. ██████████ was being disruptive, had been removed from her classroom, sent to the in-school suspension room where she became angry, flipped over desks, screamed, cursed and threatened Ms. ██████████. As a result, the school called Mr. ██████████ to come to the school to take his daughter home. Mr. ██████████ asked if she could call the police, and she replied that he should call the police himself because the School Resource Officers had not yet arrived at the school. Ms. ██████████ said Mr. ██████████ was insistent that the school call the police because he did not know how he was going to handle her. Ms. ██████████ told him she did not want to call the police outside of using the Resource Officers and that Mr. ██████████ needed to come to the school to get his daughter. Mr. ██████████ agreed and said he was on his way.

Mr. ██████████ arrived at the school and told Ms. ██████████ that his daughter would not leave with him. Mr. ██████████ again asked if Ms. ██████████ could get the police, because he said he had seen them walking in the building. Ms. ██████████ intercepted Officers Pierre and Tripp, who had just arrived in the building, and asked them if they could remove a student who refused to come downstairs for her father. The three of them proceeded to the second floor where Officer Pierre

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<sup>12</sup> Attachments 53 (audio) and 112 (transcript). ██████████ was also interviewed by the Cook County State’s Attorney’s Office, Investigation’s Bureau. Ms. ██████████ provided substantially the same account of the incident in both statements.

asked Ms. [REDACTED] to get her things and leave. Ms. [REDACTED] was positioned near the staircase, several feet away. Ms. [REDACTED] did not see how the altercation started, but stated Officers Pierre, Tripp and Ms. [REDACTED] “went”<sup>13</sup> down the staircase. Ms. [REDACTED] turned her attention to keeping other students away, so she did not see any particulars of the altercation. She only saw them go down the first set of stairs to the landing, get up and then go down the second set of stairs to the first floor. Ms. [REDACTED] did not see anything that occurred on the first floor.

**Witness** [REDACTED] (“Mr. [REDACTED] was interviewed by COPA investigators on May 13, 2019.<sup>14</sup> Mr. [REDACTED] said he was working as a security officer at Marshall H.S. on the date of the incident. He was on the second floor when a teacher (now known to be Ms. [REDACTED] asked him to instruct Ms. [REDACTED] who was in her classroom, to put her cellphone away. Mr. [REDACTED] went into the classroom and asked Ms. [REDACTED] to put her phone away, but Ms. [REDACTED] did not comply and responded with profanity. He asked her to step into the hallway, but Ms. [REDACTED] would not leave. Mr. [REDACTED] advised that Ms. [REDACTED] stated the only way she would leave is if the assistant principal came up to the classroom. Mr. [REDACTED] enlisted the help of Security Officer [REDACTED] who contacted the assistant principal. Assistant Principal [REDACTED] came to the classroom and eventually got Ms. [REDACTED] to leave the classroom. Assistant Principal [REDACTED] Ms. [REDACTED] and Ms. [REDACTED] left the classroom for the in-school suspension room on the first floor. Mr. [REDACTED] stayed on the second floor. About ten minutes later, Ms. [REDACTED] came back and told him she did not want to stay in the in-school suspension room. Ms. [REDACTED] was following behind Ms. [REDACTED] telling her she had to go back downstairs. Mr. [REDACTED] told Ms. [REDACTED] he would stay with Ms. [REDACTED] who was cursing at Ms. [REDACTED] and had kicked a fire extinguisher holder. Ms. [REDACTED] was angry that her father was called and cursed at Ms. [REDACTED] Ms. [REDACTED] left, and Mr. [REDACTED] spoke with Ms. [REDACTED] for a little while and got her to calm down. Mr. [REDACTED] then received a call over the radio that Ms. [REDACTED] father was downstairs and to send her down.

Mr. [REDACTED] walked Ms. [REDACTED] to the staircase and told her to go downstairs to meet her father, who was standing at the bottom of the stairs. Ms. [REDACTED] did not want to leave. She went down the stairs to the landing between the first and second floors, cursing and stating that she did not want to leave. Ms. [REDACTED] then went back up the stairs to where Mr. [REDACTED] was located, and he spoke with her again and tried to get her to calm down. Mr. [REDACTED] told her she had to go with her father and encouraged her to talk to him. Ms. [REDACTED] went to the first floor, talked with her father, then came back up to the second floor after about five minutes. Mr. [REDACTED] continued to talk with Ms. [REDACTED] on the second floor, and right before the end of class bell rang, Officers Pierre and Tripp arrived on the second floor. Ms. [REDACTED] talked to the officers, but Mr. [REDACTED] could not hear what they were saying.

Ms. [REDACTED] and the officers started walking towards the stairs. Ms. [REDACTED] was walking freely, and the officers were not touching her. Officers Pierre and Tripp were near the top of the staircase when Ms. [REDACTED] tried to walk away from them, back into the hallway area, when the officers grabbed her. Mr. [REDACTED] said Ms. [REDACTED] and both officers fell down the stairs, apparently

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<sup>13</sup> Attachment 112, p. 22, lines 4-6. Ms. [REDACTED] did not further explain or describe how the officers and Ms. [REDACTED] went down the stairs.

<sup>14</sup> Attachments 65 (audio) and 111 (transcript). [REDACTED] was also interviewed by the Cook County State’s Attorney’s Office, Investigation’s Bureau. Mr. [REDACTED] provided substantially the same account of the incident in both statements.

having slipped because they were at the edge of the staircase. Mr. ██████ tried to keep the students who had just gotten out of class away from the staircase. Mr. ██████ did notice after they fell down the first set of stairs, the officers continued trying to gain control of Ms. ██████ and they all went down the second flight of stairs to the first floor. Mr. ██████ said he saw Ms. ██████ kick and swing at the officers while on the first landing, but he did not see anything after they went down the second set of stairs to the first floor. Mr. ██████ said he remained on the second floor. Mr. ██████ did not see Ms. ██████ again and heard she had transferred to another school.

**Witness ██████** (“Ms. ██████ was interviewed by COPA investigators on March 6, 2019.”<sup>15</sup> Ms. ██████ said she was working as an Attendance Clerk at Marshall H.S. on the date of the incident. She said she normally works at the front door of the school in the mornings swiping students into the building. On the morning of January 29, 2019, Ms. ██████ said she was called to the counseling department to sit-in on a meeting with ██████ and ██████. She did not get all the details but gathered from the meeting that Ms. ██████ was going home for the day. Ms. ██████ attempted to locate Ms. ██████ and found her on the second floor accompanied by Security Officer ██████. Ms. ██████ said Ms. ██████ was being loud, cursing and kicking things. Ms. ██████ approached Ms. ██████ and spoke to her briefly. She and Mr. ██████ were able to calm Ms. ██████ down. At that point, Ms. ██████ went back downstairs, believing that everything was okay.

Ms. ██████ went back to the main entrance to swipe students in for the day when Officers Pierre and Tripp arrived at the school. At the same time, Mr. ██████ came out of the conference room with Ms. ██████ and said his daughter still would not come downstairs. Ms. ██████ then spoke to Officers Pierre and Tripp and went upstairs with them. After several minutes, Ms. ██████ heard arguing on the second floor. She could hear Officer Pierre say “[c]ome on down so we can talk to you,” and then she heard Ms. ██████ say she was not going anywhere and they “can’t tell me what to do.”<sup>16</sup> Ms. ██████ said she could see both sets of stairs and the landing between the floors from her vantage point. She said Officer Pierre tried to grab Ms. ██████ to get her downstairs and somehow all three of them fell down the stairs to the landing. Ms. ██████ said the officers were trying to put handcuffs on Ms. ██████ while they were on the landing and they had Ms. ██████ in the corner. Ms. ██████ was kicking and screaming while the officers were trying to calm her down. Ms. ██████ said somehow, they all ended up falling down the second set of stairs to the first floor. Ms. ██████ only had one cuff around her wrist and at one point she flung her arm back and hit Officer Tripp in the face with the loose end of the handcuffs. Officer Pierre pulled out his Taser and tased Ms. ██████ but it didn’t seem to have an effect on her. After that, Ms. ██████ became more combative and Officer Pierre tased her again, which only slowed her down a bit. Ms. ██████ bit down on Officer Tripp’s thumb and would not let it go. Officer Tripp hit Ms. ██████ on her side, trying to get her to release her thumb. Ms. ██████ finally released Officer Tripp’s thumb and Officer Pierre was able to handcuff her. Officer Pierre then went over the radio to ask for assistance and other officers arrived at the school.

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<sup>15</sup> Attachments 46 (audio) and 113 (transcript). ██████ ██████ was also interviewed by the Cook County State’s Attorney’s Office, Investigation’s Bureau. Ms. ██████ provided substantially the same account of the incident in both statements.

<sup>16</sup> Attachment 113, p. 16, lines 14-19.

**Witness** ██████████ (“Ms. ██████████” was interviewed by COPA investigators on February 26, 2019.<sup>17</sup> Ms. ██████████ (no relation to ██████████ or ██████████) said she was employed as a security officer at Marshall H.S. on the date of the incident. She said she was located near the main entrance of the school by the security desk when she heard a commotion. She said she could see both sets of stairs and the landing. Ms. ██████████ saw Officers Tripp and Pierre and Ms. ██████████ tumble down the stairs to the landing. Ms. ██████████ got up and swung at Officer Pierre. Both officers tried to contain Ms. ██████████ who ended up on the floor and kicking at the officers. The officers tried to control her, and they fell down the second set of stairs to the first floor. Ms. ██████████ yelled at the officers to let her go, continued kicking and bit Officer Tripp’s hand. The officers tried to get handcuffs on Ms. ██████████. Officer Pierre tased her when she would not stop kicking, but it had no effect. Ms. ██████████ said the officers were telling her to calm down and be still so they could handcuff her, but she wouldn’t listen. Ms. ██████████ said assisting police officers arrived and Ms. ██████████ was finally handcuffed and led into the room for the officers.

**Accused Officer Johnnie Pierre** (“Officer Pierre”) was first interviewed by COPA investigators on June 20, 2019.<sup>18</sup> In his statement, Officer Pierre said that at the point of this incident, he had worked at Marshall H.S. as a school resource officer for three years. Officer Pierre’s duties included assisting school security to deescalate incidents, including criminal activity that may take place on school grounds. Officer Pierre had worked with his partner, Officer Sherry Tripp, at Marshall H.S. for several months before the incident.

On January 29, 2019, shortly after arriving for work, the school’s head of security, ██████████ requested their assistance on the second floor involving a student (now known as Ms. ██████████) who was being disruptive in class and threatening the staff. At the time of the request, Officer Pierre did not recognize Ms. ██████████ by name, but once he saw Ms. ██████████ he recognized her as a student who had been in fights with other students in the past. Before proceeding upstairs, Officer Pierre spoke with Ms. ██████████ father, ██████████ who was standing nearby on the first floor. Officer Pierre asked Mr. ██████████ if he would accompany them upstairs to get his daughter. Mr. ██████████ replied that his preference was for Officer Pierre to retrieve her.

Officers Pierre and Tripp arrived on the second floor and saw Ms. ██████████ by her locker and spoke to her. He estimated that Ms. ██████████ was 5’ 4” and 110 pounds. Officer Pierre said he double-tapped his body-worn camera while on the second floor, but it did not record. Officer Pierre asked Ms. ██████████ to get her belongings and Ms. ██████████ replied “No. Fuck you.”<sup>19</sup> Officer Pierre then told her again she needed to get her belongings and go downstairs to meet her father because she had an early dismissal. Ms. ██████████ again replied “Fuck you. I ain’t going nowhere.”<sup>20</sup>

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<sup>17</sup> Attachments 35 (audio) and 114 (transcript). ██████████ was also interviewed by the Cook County State’s Attorney’s Office, Investigation’s Bureau. Ms. ██████████ provided substantially the same account of the incident in both statements.

<sup>18</sup> Attachments 77 (audio) and 110 (transcript). Officer Pierre was also interviewed by the Cook County State’s Attorney’s Office, Investigation’s Bureau, as part of a proffer agreement (see Attachment 84). Officer Pierre provided substantially the same account of the incident in both statements. Relevant omissions or inconsistencies between the statements are noted.

<sup>19</sup> Attachment 110, at p. 24, line 23.

<sup>20</sup> *Id.*, at p. 25, lines 7-8.

Another student, ██████████<sup>21</sup> approached Ms. ██████████ and told her she should listen to the officers and go with them. Ms. ██████████ left, and Officer Pierre repeated to Ms. ██████████ that she needed to get her belongings and leave the school. Officer Pierre said Ms. ██████████ responded by waving her hand and pointing towards his face in defiance, describing her actions as a “threat” and “aggressive.” Officer Pierre said he was startled by this response and grabbed her by her shoulders and arms so she would not punch him or try to get away. Officer Pierre later justified taking physical control of Ms. ██████████ in this manner because she had refused to comply with multiple verbal commands to leave the school and had threatened staff. He explained that he restrained her to prevent her from causing harm to both students and staff, as well as to prevent school disruptions. Once he had control of Ms. ██████████ he turned her towards the stairs to direct her downstairs. Ms. ██████████ flailed her arms and tried to get free. At that point, Ms. ██████████ began to fall down the stairs, grabbed his vest, and they both fell down the first set of stairs to the landing.

After falling, Officer Pierre got up and grabbed Ms. ██████████ again, pinned her against the wall and told her to give him her hands. Officer Pierre said Ms. ██████████ would not comply, was combative, and that he then considered her a criminal trespasser. While on the landing (between the first and second set of stairs), Ms. ██████████ tried to bite him, spat on him, and kicked him in the groin three times. Officer Tripp attempted to put handcuffs on Ms. ██████████ while Officer Pierre had her cornered, but Ms. ██████████ broke free with only one handcuff around her wrist. Both officers again tried to get control of Ms. ██████████ as they moved towards the second set of stairs. Officer Tripp tried to get the other handcuff on Ms. ██████████ while continuing to give her verbal direction, which Ms. ██████████ ignored. While Officer Pierre tried to assist Officer Tripp, Ms. ██████████ kicked him a third time and he grabbed her foot.<sup>22</sup>

Officer Pierre was near the edge of the second set of stairs as he held Ms. ██████████ foot causing him to fall down the top few stairs, before regaining his balance and pulling her down the rest of the flight of steps with him.<sup>23</sup> Officer Tripp was on top of Ms. ██████████ at the time and fell down the stairs with her hand lodged in Ms. ██████████ mouth.<sup>24</sup> All three of them ended up at the bottom of the stairs on the first-floor. Officer Tripp was on top of Ms. ██████████ who was biting Officer Tripp’s hand and kicking at him. To stop Ms. ██████████ from kicking him, Officer Pierre placed his foot on Ms. ██████████ free leg. Officer Pierre, who stated he is 5’11” and 250 pounds, denied stepping on the stomach or torso area of Ms. ██████████. Officer Tripp was using open and closed-hand strikes on Ms. ██████████ face to get her to let go of her hand. Officer Pierre interpreted Ms. ██████████ as an assailant because she was biting his partner’s finger and trying to cause great bodily harm, and he deployed his Taser.<sup>25</sup> He stated that prior to deployment, Officer Tripp was on his left side, her hand had been dislodged from Mr. ██████████ and he told her he was going to tase Ms. ██████████. He deployed his Taser; however, the Taser was ineffective because the prongs did not attach to Ms. ██████████.<sup>26</sup> Ms. ██████████ then reached for Officer Pierre’s Taser and he

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<sup>21</sup> *Id.*, at p. 26, lines 5-6. Officer Pierre mistakenly identified her as “██████████.”

<sup>22</sup> In his interview with the CCSAO, Officer Pierre stated that Ms. ██████████ used her knee to strike him in the groin, and when he grabbed her leg and pulled on it, Ms. ██████████ went to the ground. (See Attachment 84).

<sup>23</sup> Attachment 77, at 36:55 (see also, Attachment 110, p. 50, lines 8-16).

<sup>24</sup> In his interview with the CCSAO, Officer Pierre stated that Ms. ██████████ continued to fight, and resist being handcuffed, so he told his partner to let go of Ms. ██████████ and Officer Pierre pulled Ms. ██████████ to the first floor. He subsequently realized that Officer Tripp’s thumb was in Ms. ██████████ mouth. (See Attachment 84).

<sup>25</sup> Attachment 110, p. 54, lines 17-24.

<sup>26</sup> Attachment 110, p. 54, line 6 – p. 55, line 13.

deployed it at her a second time, which was also ineffective. Officer Pierre deployed the Taser the second time because Ms. ██████ was still biting, and they were unable to gain control of her.<sup>27</sup> Officer Pierre described Ms. ██████ as continuing to be combative, aggressive and was attempting to gain control of his Taser, to which he responded by attempting unsuccessfully to strike her with an open-hand. Officer Pierre denied ever attempting a closed-hand strike against Ms. ██████<sup>28</sup> Officer Pierre went over the radio to call for assistance. Officer Pierre was eventually able to immobilize Ms. ██████ by grabbing both of her hands while Officer Tripp handcuffed her. Within a few moments, other officers were on the scene. The Fire Department was called to assess Ms. ██████ medical condition after asserting she had asthma and had not been able to breathe during the struggle. Ms. ██████ was transported to the hospital for treatment. Officers Pierre and Tripp also sought medical treatment.

**Accused Officer Johnnie Pierre** was interviewed a second time by COPA investigators on August 24, 2020, to address additional allegations for failing to activate his body-worn camera (“BWC”) and providing inaccurate information about this incident.<sup>29</sup> In this statement, Officer Pierre said assisting him in the arrest of Ms. ██████ was responding Officer Williams, who also authored the Original Case Incident Report detailing the incident. Officer Pierre said he spoke to Officer Williams at the hospital after the arrest when he (Officer Pierre) was being treated for his injuries. Officer Pierre spoke to Officer Williams alone while Officer Tripp was in a different room of the hospital. Officer Pierre said he never told Officer Williams that the student had been suspended or that she walked out of a parent-conference meeting. He said he was told by Security Officer ██████ that Ms. ██████ had an early dismissal and her father was there to take her home. Security Officer ██████ told him the student was being belligerent, uncooperative, and had threatened the assistant principal, but he was not told she was suspended. Officer Pierre said he did not know how the information that Ms. ██████ had been suspended got into the report.

Officer Pierre said unless an incident escalates to a criminal matter, school security guards, rather than school resource officers, assist with students who have been suspended or are the subject of an early dismissal. However, Officer Pierre acknowledge when he initially encountered Ms. ██████ he did not believe this to be a criminal encounter; rather one in which he was being asked to provide assistance.<sup>30</sup>

Officer Pierre said the Original Case Incident Report is wrong where it states that he stepped in front of Ms. ██████ Officer Pierre said he never told Officer Williams he stepped in front of the student. He told Officer Williams “when she swung at me, I grabbed her.”<sup>31</sup> Officer Pierre told Officer Williams that the student’s “arm flailed in my direction, and I immediately grabbed her.”<sup>32</sup> When asked about his Tactical Response Report (“TRR”) and why he did not write anything in the narrative about the student flailing her arm or doing anything threatening with her arm, Officer Pierre said it was a clerical error that he didn’t include it, but on the front

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<sup>27</sup> Attachment 77, at 43:03.

<sup>28</sup> Attachment 110, p. 75, lines 8-11.

<sup>29</sup> Attachments 118 (audio) and 121 (transcript).

<sup>30</sup> In his interview with the CCSAO, Officer Pierre stated that after being briefed on the situation before encountering Ms. ██████ he concluded that the issue was a “police matter” because Ms. ██████ had threatened school staff (See Attachment 84).

<sup>31</sup> Attachment 121, p. 30, line 24.

<sup>32</sup> Attachment 121, p. 36, lines 3-4.

portion of the TRR he checked the box that there was an imminent threat of a battery and the arrest report indicates she initiated a physical altercation.

When asked if he ever used a palm strike on Ms. ██████ Officer Pierre said “No. Did I strike her? No.”<sup>33</sup> However, Officer Pierre acknowledged that his TRR says he used open and closed hand strikes on the subject. Officer Pierre said he did strike her in the face at one point when he had her restrained against a wall, but it was not an intentional strike.<sup>34</sup> When asked if he used closed-hand strikes on Ms. ██████ Officer Pierre said “No.”<sup>35</sup> Officer Pierre also acknowledged that his TRR says he delivered another closed hand strike to the subject’s face. Officer Pierre said he tried to strike her at the bottom of the stairs after he deployed his Taser, but he never made contact with her. He said the statement in the TRR is referring to his attempt to strike her; however, he never actually made contact. Officer Pierre further stated that whether or not he made contact with a subject, he would document in a TRR that he used open and closed-hand strikes just in case there were allegations alleged later.<sup>36</sup> Officer Pierre said when he wrote the TRR he believed he had made contact with her, and that is why he documented the open and closed hand strikes in the TRR.<sup>37</sup> Officer Pierre added he believed he made contact with the closed-hand strike captured in the security footage from the first floor at 9:50:06 a.m.<sup>38</sup> Only after viewing the security video<sup>39</sup> did Officer Pierre notice he did not make contact with her. Officer Pierre said he did not speak to anyone before he wrote his TRR, that he wrote it from his memory. He then clarified he did speak to his sergeant before he wrote the TRR.

Officer Pierre said he was assigned a body-worn camera that day and normally would only activate it if something criminal was taking place. When he and Officer Tripp first spoke to Security Officer ██████ they thought they were just escorting a student downstairs and Officer Pierre did not think it was necessary to activate his BWC at that time. Officer Pierre said he tried to activate his BWC when they were on the second floor and things “start[ed] getting crazy.”<sup>40</sup> He pointed to a moment in the security video at 9:47:57<sup>41</sup> where he claimed he pressed the button to activate the BWC, which he stated was on his right breast pocket.<sup>42</sup> However, the bodycam was never activated. During the course of the altercation, Officer Pierre’s BWC came off, and he

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<sup>33</sup> Attachment 121, p. 44, line 22.

<sup>34</sup> Attachment 121, p. 49, lines 15-19.

<sup>35</sup> Attachment 121, p. 50, lines 5-6.

<sup>36</sup> Attachment 121, p. 71, lines 19-24 and p. 72, lines 1-7

<sup>37</sup> Attachment 93, p. 93, lines 15-18. In Officer Pierre’s statement to the CCSAO Investigation’s Bureau, Officer Pierre said he attempted to strike Ms. ██████ but did not make contact.

<sup>38</sup> During this statement, Officer Pierre was shown the video from the first-floor security camera (Attachment 21, file name “Marshall Door (8)116\_2019-01-29\_09h00min00s000ms”) and he identified the place in the video he was referencing.

<sup>39</sup> Officer Pierre stated that prior to giving this second statement, he viewed video of the incident with Corporation Counsel as a result of the civil litigation. He had also been shown the video by COPA before and during the second interview. These videos included the two security videos (Att. 21) and the cell phone video (Att. 15) (See Att. 121, p. 9, line 3 – p. 10, line 4). It should also be noted that before giving his first statement to COPA, Officer Pierre acknowledged seeing a cell phone video with counsel and the State’s Attorney’s Office (See Att. 110, p. 77, lines 2-9). Viewing videos prior to giving a statement is not prohibited or improper.

<sup>40</sup> Attachment 121, p. 57, line 21.

<sup>41</sup> Attachment 21, file name “Marshall236Stairs208\_2019-01-29\_09h00min00s000ms”.

<sup>42</sup> Attachment 121, p. 61, line 20 – p. 62, line 1.

retrieved it from the floor on the first floor and reattached it to his uniform. He said he double tapped it again, however, no video of the incident was captured on his BWC.

**Accused Officer Sherry Tripp** was first interviewed by COPA investigators on June 20, 2019.<sup>43</sup> In her statement, Officer Tripp said she was working on the date of the incident with Officer Pierre as a School Resource Officer at Marshall H.S. Officer Tripp said when they arrived, school security officer ██████ requested their assistance with ██████ a student, who had threatened the assistant principal, was confrontational with the faculty, and needed to be removed from the school. Officer Tripp said she had no previous encounters with Ms. ██████ and did not know who she was.

Officers Tripp and Pierre and Security Officer ██████ proceeded to the second floor to speak to Ms. ██████. At the second-floor landing, Security Officer ██████ pointed Ms. ██████ out to them. Officers Tripp and Pierre summoned Ms. ██████ and Officer Pierre told her that her father was at the school and she had to leave the building. Ms. ██████ became belligerent and told the officers “[f]uck the police. I’m not going no fucking where.”<sup>44</sup> Officer Pierre again told her that she had to leave the building and Ms. ██████ continued using profanity at the officers. Another student approached and briefly spoke to Ms. ██████ telling her that she should listen to the police and just go home. Ms. ██████ again stated she was not going anywhere. The other student left, and Officer Pierre reiterated that Ms. ██████ had to leave. In response, Ms. ██████ put her left hand in Officer Pierre’s face and said “[f]uck you. I ain’t going nowhere.”<sup>45</sup> As Ms. ██████ tried to walk away, Officer Pierre grabbed her in a bear hug and took her by the stairwell to escort her out of the building. Officer Tripp said at that point, she did not consider Ms. ██████ under arrest; rather their effort to get Ms. ██████ to leave the building. While being restrained by Officer Pierre, Ms. ██████ appeared to be flailing her arms and legs. Officer Pierre and Ms. ██████ were near the stairwell and Officer Pierre was attempting to take Ms. ██████ down the steps. Officer Pierre and Ms. ██████ fell down the stairs, and Officer Tripp followed to assist. Ultimately, all three of them were on the landing between the first and second floors. Officer Tripp said her partner had gotten to his feet and Ms. ██████ was on the floor in the corner of the landing being combative, spitting, flailing her arms and kicking her feet. Officer Tripp was able to get a handcuff around one of Ms. ██████ wrists.

Officer Tripp said Ms. ██████ kicked Officer Pierre several times in the groin while they were on the landing. One of the times, Officer Pierre was able to grab her foot, but he lost his balance and all three of them fell down the second set of stairs to the first floor. Officer Tripp was connected to Ms. ██████ by the handcuff she had gotten around her wrist, which is how Officer Tripp ended up falling down the second set of stairs with them. Ms. ██████ bit Officer Tripp’s thumb when they landed on the first floor and would not let go. Officer Tripp gave verbal commands for Ms. ██████ to let go, but she would not let go of Officer Tripp’s thumb. Officer Tripp then delivered several closed-hand strikes to Ms. ██████ mouth to get her to stop biting.

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<sup>43</sup> Attachments 82 (audio) and 109 (transcript). Officer Tripp was also interviewed by the Cook County State’s Attorney’s Office, Investigation’s Bureau, as part of a proffer agreement (see Attachment 84). Officer Tripp provided substantially the same account of the incident in both statements. Relevant omissions or inconsistencies between the statements are noted.

<sup>44</sup> Attachment 109, p. 18, lines 13-16.

<sup>45</sup> Id, at p. 20, lines 22-24.

Eventually, Officer Tripp's thumb was released. Both Officers Tripp and Pierre gave Ms. [REDACTED] verbal commands to stop fighting them, but Ms. [REDACTED] did not comply, and she started kicking Officer Pierre in the groin again. Officer Pierre warned Ms. [REDACTED] that he was going to tase her if she did not stop. Ms. [REDACTED] flailed her arm and struck Officer Tripp in the face with the end of the loose handcuff. Officer Pierre then unholstered his Taser and tased Ms. [REDACTED] but it was ineffective. The officers continued to give verbal commands to Ms. [REDACTED] to stop, but she kicked Officer Pierre again. He deployed his Taser a second time, which was again ineffective. Officer Pierre holstered the Taser and Ms. [REDACTED] tried to grab the Taser from Officer Pierre. Officer Pierre responded with an open-hand strike, but he missed. Officer Tripp was able to place the loose cuff around Ms. [REDACTED] other wrist and Officer Tripp called for assistance. Officer Tripp remembered Ms. [REDACTED] stating at some point when they were on the first floor that she could not breathe. Ms. [REDACTED] father told them she has asthma. Officer Pierre said, "If you can talk, you can breathe."<sup>46</sup>

Several other units arrived from the 11th District. Officer Corry Williams helped lift Ms. [REDACTED] who was still being combative, off the floor and led her into the room used by school resource officers. Officer Tripp waited for an ambulance to transport her to the hospital for injury to her thumb and injury from falling down the stairs and did not follow them.

**Accused Officer Sherry Tripp** was interviewed a second time by COPA investigators on August 28, 2020, to address additional allegations for failing to activate her body-worn camera ("BWC") and providing inaccurate information about this incident.<sup>47</sup> Officer Tripp said she and her partner were not informed prior to the incident that Ms. [REDACTED] was suspended from school. Officer Tripp said when they spoke to security Officer [REDACTED] she told them Ms. [REDACTED] was being disruptive and she and Officer Pierre were to escort the student out of the building. Officer Tripp said although she is listed as the attesting officer on Ms. [REDACTED] arrest report, she did not author the arrest report.<sup>48</sup> Officer Tripp said Officer Benamon was instructed by a sergeant to write the arrest report, and that she was still logged onto the computer when he sat down at the same terminal and drafted the report. Officer Tripp said she did not know which sergeant directed Officer Benamon to draft the report, but she did not author any of it. However, she agreed with much of the narrative, including that Ms. [REDACTED] "initiated a physical altercation"<sup>49</sup> when she put her hand in Officer Pierre's face and refused to follow Officer Pierre's directives.

Officer Tripp said she spoke to Officer Williams, who assisted in the arrest and wrote the Original Case Incident Report, when she was at the hospital after the incident. Officer Tripp advised she spoke with Officer Williams, privately, for approximately 15 minutes during which time she recounted the events of the incident. Officer Tripp stated she did not know the source of the information reported in the Original Case Incident report that Ms. [REDACTED] flailed her fist, because she did not see that, nor did she tell that to Officer Williams. However, Officer Tripp did state that she saw Ms. [REDACTED] hand go towards her partner's face and she noted on her TRR that Ms. [REDACTED] posed an imminent threat and had committed an assault. Officer Tripp also agreed

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<sup>46</sup> Attachment 109 p. 39, line 11.

<sup>47</sup> Attachments 119 (audio) and 122 (transcript).

<sup>48</sup> Attachment 122, p. 19, lines 5-7.

<sup>49</sup> *Id.*, at p. 36, lines 14-18.

that her partner, Officer Pierre, grabbed Ms. [REDACTED] when she was attempting to walk away, back into the hallway.

Officer Tripp said she was assigned a functioning body-worn camera that day and would normally only activate it if there were some type of criminal activity that had taken place. She said she had escorted students out of the school on numerous occasions without incident. In this case, she said, the incident happened so quickly she did not have time to activate her BWC. Officer Tripp also said her BWC came off her vest when she fell down the stairs and someone at the school retrieved it and gave it to her. She said she did not activate the BWC at that point because she had just fallen down the stairs, was in pain, and was not thinking about the BWC.

**Witness Officer Corry Williams** was interviewed by COPA investigators on July 16, 2019.<sup>50</sup> In his statement, Officer Williams said there was a call over the radio to assist officers at Marshall H.S. When Officer Williams entered the school, he observed Officers Pierre and Tripp holding a student (now known to be [REDACTED] on the ground. Ms. [REDACTED] was yelling and cursing, and Officer Williams heard Officer Tripp say Ms. [REDACTED] bit her finger. Officer Williams saw Ms. [REDACTED] attempt to kick Officer Tripp and he stepped between them to separate Ms. [REDACTED] from the officers. He told Ms. [REDACTED] to calm down but she continued cursing and yelling. While positioned outside of the room dedicated to school resource officers, Officer Williams asked Ms. [REDACTED] to go inside and sit down. Officer Williams did not recall whether Ms. [REDACTED] entered the room voluntarily or had to be escorted.

Officer Williams said he spoke to Officers Pierre and Tripp after the incident at the hospital. Officer Pierre told him that he and Officer Tripp were sent to the second floor of the school because the student walked out of a parent-teacher conference and became irate and belligerent. Officer Pierre said that he and Officer Tripp located the student on the second floor and had a conversation with her to get her to go downstairs where her father was located because she was suspended. Ms. [REDACTED] refused to go downstairs and was very disrespectful and cursed at the officers. Officer Pierre told Officer Williams that the student tried to walk away, and he stepped in front of Ms. [REDACTED] and she flared her hand as if she was going to strike him. Officer Pierre grabbed Ms. [REDACTED] arm to avoid being struck and they fell down the stairs. Officer Pierre further relayed that the student kicked and swung at him as they fell down the stairs and ended up on the landing between the flights of stairs. Officer Pierre also told Officer Williams that Ms. [REDACTED] bit Officer Tripp's finger and the three of them fell down another flight of stairs, landing on the first floor. Officer Pierre further stated to Officer Williams that the student continued swinging and kicking on the first floor. Officer Williams arrived on the scene during this time.

Officer Williams next spoke with Officer Tripp, who relayed that they located the student on the second floor of the school. Another female student spoke to Ms. [REDACTED] encouraging her to comply with the police. Officer Tripp said she saw Ms. [REDACTED] and Officer Pierre fall down the stairs and Ms. [REDACTED] was kicking, swinging, and spitting. On the landing, Officers Pierre and Tripp were trying to get handcuffs on Ms. [REDACTED] but she continued to resist and the three of them ended up falling down another flight of stairs.

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<sup>50</sup> Attachments 90 (audio) and 116 (transcript).

**Witness Sergeant Michaelene Johnson** was interviewed by COPA investigators on July 16, 2019.<sup>51</sup> In her statement, Sgt. Johnson said she was a School Resource Sergeant on the date of the incident. She responded to Marshall H.S. shortly after the incident. Other supervisors and assisting units were already on-scene. Sgt. Johnson was given preliminary information about the use of force incident that had occurred. Officer Tripp and Ms. ██████ had already been transported to the hospital, and Officer Pierre was waiting for an ambulance. She briefly spoke to Officer Pierre to ask him if he was okay but had no other conversation with him at the school.

Sgt. Johnson said several hours later at the District 11 Station, she spoke to Officer Tripp upon her return from the hospital. She noticed bandages around Officer Tripp's hand and asked her if her hand was alright. Sgt. Johnson inquired if Officer Tripp would be able to type her TRR, to which she responded she would either type it herself or dictate her report for someone else to type. Relative to the incident itself, Officer Tripp told Sgt. Johnson that Ms. ██████ father was in the school when they arrived for work and he asked them to get his daughter because she would not leave with him. Thereafter, the school security officer asked her and Officer Pierre to escort Ms. ██████ out of the building. Officer Tripp and Officer Pierre went to the second floor to locate Ms. ██████ and a confrontation occurred. Officer Pierre grabbed Ms. ██████ to escort her out, and they both fell down the stairs. Officer Tripp followed them down to help. Officer Tripp told the sergeant there was a struggle on the landing when she and Officer Pierre tried to handcuff Ms. ██████. Ms. ██████ had one hand cuffed and hit Officer Tripp in the face with it, and bit Officer Tripp's hand. They all ended up falling down the second set of stairs when Officer Pierre tried to pull Ms. ██████ off of Officer Tripp. At the bottom of the stairs, Ms. ██████ would not let go of her and Officer Tripp hit Ms. ██████. Ms. ██████ finally released her grip on her but the struggle to gain control of Ms. ██████ continued. Ms. ██████ kicked Officer Pierre in the groin and he tased her to no avail. Ms. ██████ was still fighting them when Officer Pierre deployed his Taser again.

Sgt. Johnson also spoke to Officer Pierre when he returned to the station.<sup>52</sup> Sgt. Johnson viewed the school security video footage the following day and found certain inconsistencies in Officer Pierre's narration of the incident. Officer Pierre said Ms. ██████ swung at him or put her hand in his face, and that he grabbed her to gain control of her to escort her out of the building and they ended up falling down the stairs. Officer Pierre told Sgt. Johnson that Officer Tripp was hit in the face with a handcuff and Ms. ██████ bit her hand. Officer Pierre said he was kicked in the knee by Ms. ██████. Officer Pierre said he grabbed her to get Ms. ██████ off of his partner and then pulled Ms. ██████ down the stairs. Officer Pierre told Sgt. Johnson he was winded by the time they were on the first floor, so he paused and reached for his Taser. He saw his partner was still struggling with Ms. ██████ and warned Ms. ██████ he was going to tase her if she did not stop fighting. Ms. ██████ continued being combative and he tased her, but the taser probes did not make contact with her. He tased her a second time, which also had no effect. At that point, Officer Pierre told Sgt. Johnson that he grabbed Ms. ██████ to hold her until back-up could arrive. Nothing further was related to Sgt. Johnson by either officer.

Sgt. Johnson spoke with Ms. ██████ when she returned to the district from the hospital. Sgt. Johnson checked on Ms. ██████ well-being. Ms. ██████ was angry and upset from what

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<sup>51</sup> Attachment 88.

<sup>52</sup> *Id.*, at 10:15.

she had just been through and did not want to talk about the incident. Ms. ██████ did mention that the female officer scratched her on the face. Sgt. Johnson then ordered an evidence technician to take photographs of Ms. ██████

### b. Documentary Evidence

The **Arrest Report** of ██████ documents that on January 29, 2019, Ms. ██████ was arrested by Officers Pierre and Tripp for aggravated battery to a peace officer and resisting a peace officer. Officer Tripp is the attesting officer on the report.<sup>54</sup> The report lists her weight as 123 pounds, and states that the incident was recorded on body-worn camera (“BWC”). The report states that Ms. ██████ refused to leave school grounds after being suspended, became irate and initiated a physical altercation with officers. The report further states Ms. ██████ kicked Officer Pierre multiple times about the body and bit Officer Tripp’s hand, causing injuries to both officers as a result of her flailing her arms, fighting, resisting. It also notes that all three of them fell down the stairs.

The **Original Case Incident Report** (RD# JC133437)<sup>55</sup> documents further details of the incident involving ██████ on January 29, 2019. The reporting officer is Corry Williams. The narrative states that school security asked Officer Pierre and Tripp to escort a belligerent student to the main floor after she was suspended. Officers Pierre and Tripp located the student on the second floor after she angrily left a parent conference meeting. The officers approached the student on the second floor near the staircase and informed her that her father was there to pick her up, she was suspended from school and had to leave the building. Ms. ██████ became very disgruntled and said she was not leaving and told the officers “I’m not going nowhere fuck you police.” The officers continued to give verbal commands for Ms. ██████ to leave. Another student approached Ms. ██████ and told her to listen to the officers and go with them. Ms. ██████ said, “fuck them police I ain’t going nowhere.” As Ms. ██████ tried to walk past Officer Pierre, he stepped in front of her and she flailed her fist towards his face. Officer Pierre grabbed her arms to avoid receiving a battery, and they both fell down the stairs to the landing. Officers Pierre and Tripp continued to give verbal commands to Ms. ██████ on the landing while she kicked Officer Pierre in the groin and spat on both officers. While on the landing, Officer Tripp was able to get one handcuff on Ms. ██████ as she continued to resist and became more combative by swinging at and kicking both officers. Both officers used open palm strikes attempting to place Ms. ██████ into custody. Ms. ██████ bit Officer Tripp’s thumb and would not let go, causing both officers and Ms. ██████ to fall down the stairs. Officer Pierre observed Ms. ██████ biting his partner’s thumb and continuing to resist by kicking and swinging her fist, so he deployed his Taser. Ms. ██████ was placed into custody and assisting units arrived on scene. An ambulance was called to render medical attention. Ms. ██████ was transported to Mt. Sinai Hospital and Officers Tripp and Pierre were transported to University of Illinois Hospital.

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<sup>53</sup> Attachment 10.

<sup>54</sup> Although Officer Tripp is listed as the attesting officer, she stated in her second interview with COPA that she did not author any part of the arrest report.

<sup>55</sup> Attachment 8.

The **Supplementary Report** by Sergeant Michaelen Johnson, was submitted on January 31, 2019.<sup>56</sup> Sgt. Johnson's Supplementary Report states that after reviewing the security video provided by John Marshall High School, Ms. ██████ does not appear to flail her fist towards Officer Pierre's face as originally reported. The video shows the officers trying to reason with Ms. ██████ when she attempts to walk away. Officer Pierre grabs Ms. ██████ with both arms and lifts her to escort her off school property.

The **Tactical Response Report (TRR)** of Officer Pierre.<sup>57</sup> Officer Pierre's TRR stated this incident was recorded on both BWC and other video. In his TRR, Officer Pierre states that Ms. ██████ was asked to leave school property by CPS security numerous times. Officer Pierre was called to escort Ms. ██████ to the front office to meet her father. Officer Pierre asked Ms. ██████ numerous times to follow him and his partner to the front office, at which time Ms. ██████ became agitated and verbally abusive and attempted to walk away. Officer Pierre grabbed Ms. ██████ and escorted her down the stairwell when she violently kicked and struck him, causing them both to fall down the stairs. On the landing, Ms. ██████ continued to kick and strike him while his partner, Officer Tripp, was able to get one handcuff on Ms. ██████ before she pulled away and struck Officer Tripp in the face with the handcuffed hand. Officer Pierre used an open hand strike on Ms. ██████ face to gain control of her. Ms. ██████ kicked Officer Pierre's legs, causing him to fall down the second set of stairs. Officer Pierre grabbed Ms. ██████ ankle and dragged her down the stairs. At the bottom of the stairs, Officer Pierre used another closed hand strike because Ms. ██████ bit Officer Tripp's hand and would not release her bite. Ms. ██████ was still fighting Officer Tripp when Officer Pierre deployed his Taser, which did not make contact with Ms. ██████. Ms. ██████ struck Officer Pierre in the groin area and he deployed his Taser a second time, which had no effect. Officer Pierre pinned Ms. ██████ on the ground while Officer Tripp secured both handcuffs. Ms. ██████ was taken to Mt. Sinai hospital where she was treated and released, the taken to the 11th district and processed for her arrest.

Officer Pierre checked on his report that Ms. ██████ was not armed with a weapon and indicated her actions were that she did not follow verbal direction; made verbal threats; stiffened (dead weight); pulled away; was an imminent threat of battery (no weapon); physically attacked without a weapon with her hand / arm / elbow strikes, knee / leg strikes, mouth / teeth / spit, push / shove / pull, grab / hold / restrain, and wrestle / grapple. Ms. ██████ committed an assault or battery against a Department member by striking and/or blunt force. Officer Pierre's reasons for his response were reported as defense of self and another Department member, to overcome resistance or aggression, and because the subject was fleeing. Force mitigation reported efforts were member presence, giving verbal direction and control techniques, using a zone of safety, tactical positioning and movements to avoid attack, and additional unit members. Reported control tactics used were escort hold, wristlock, armbar, pressure sensitive areas and emergency handcuffing. Finally, he reported his responses included open hand and closed hand strikes, a take down and use of his Taser.

The **Tactical Response Report (TRR)** of Officer Tripp.<sup>58</sup> Officer Tripp's TRR stated this incident was recorded on both BWC and other video. In her TRR, Officer Tripp states essentially

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<sup>56</sup> Attachment 103.

<sup>57</sup> Attachment 6.

<sup>58</sup> Attachment 7.

the same narrative reported in Officer Pierre's TRR; however, she said Ms. ██████ kicked and struck both officers on the landing. Officer Tripp also states both officers and Ms. ██████ fell down the second set of stairs together, while simultaneously, Officer Pierre grabbed Ms. ██████ ankle and dragged her down the stairs.

Officer Tripp checked on her report that Ms. ██████ was not armed with a weapon and indicated her actions were that she did not follow verbal direction; made verbal threats; stiffened (dead weight); pulled away; and was an imminent threat of battery (no weapon). Ms. ██████ committed an assault or battery against a Department member by striking and/or blunt force. Officer Pierre's reported reasons for her response were defense of self and another Department member, and to overcome resistance or aggression. Force mitigation reported efforts used were member presence, giving verbal direction and control techniques, using a zone of safety, tactical positioning and movements to avoid attack, and additional unit members. Reported control tactics used were escort hold, wristlock, armbar, pressure sensitive areas and emergency handcuffing. Finally, she reported her responses included closed hand strikes and take down.

The **Taser Deployment Data Sheet**<sup>59</sup> documents that Officer Pierre's Taser was deployed twice on January 29, 2019. Cartridge one was deployed at 9:49 a.m. for a duration of 6 seconds, and cartridge two was deployed at 9:50 a.m. for a duration of 5 seconds.

A **civil complaint ("lawsuit")** was filed in the United States District Court, Northern District of Illinois, Eastern Division, and assigned Case No. 1:19-cv-01281 on February 20, 2019.<sup>60</sup> The lawsuit was filed on Ms. ██████ behalf against the City of Chicago, Officer Pierre, Officer Tripp and the Chicago Board of Education related to this incident. The claims against the officers included making an illegal seizure of Ms. ██████ using excessive force against her, and committing a battery against her. At the time of this report being drafted, the lawsuit is in the process of being settled, and is scheduled to be dismissed on February 14, 2021.<sup>61</sup>

### c. Digital Evidence

**Body-worn camera**<sup>62</sup> video footage from Officer Corry Williams<sup>63</sup> begins with him inside Marshall High School, taking custody of Ms. ██████ and leading her into a room with a Chicago Police Department sign in the door window. Officer Pierre is also in the room and is seen turning on his body-worn camera.

**Security camera footage** from the second floor of Marshall High School<sup>64</sup> shows Officers Pierre and Tripp first appear walking up the staircase to the second floor. Officer Pierre's body-worn camera appears to be attached to the left pocket of his shirt. The officers converse with a

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<sup>59</sup> Attachment 11.

<sup>60</sup> Attachment 30. The lawsuit ended up with a Third Amended Complaint being filed (Attachment 127), as well as the City's and Officers' Answer to that Complaint (Attachments 128 and 129, respectively).

<sup>61</sup> Attachment 130 (Amended Stipulation to Dismiss).

<sup>62</sup> COPA obtained body-worn camera videos from several other officers, but they did not capture the incident.

<sup>63</sup> Attachment 38, file name "WILLIAMS, CORRY\_AXON\_Body\_2\_Video\_2019-01-29\_0955."

<sup>64</sup> Attachment 21, file name "Marshall236Stairs208\_2019-01-29\_09h00min00s000ms". This video does not include audio.

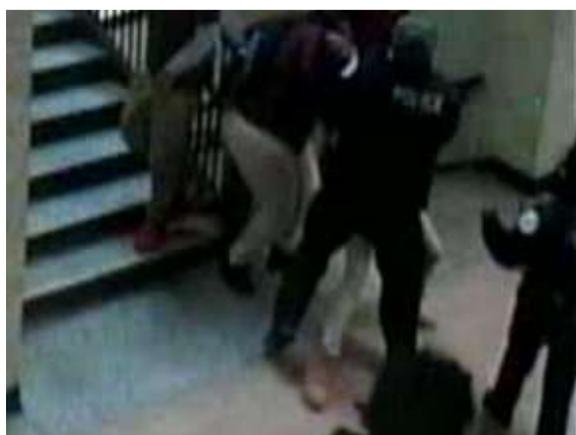
student in light clothing with her back to the camera (now known to be ██████████<sup>65</sup> Officer Tripp is slightly to the right of Ms. ██████████ and Officer Pierre is facing her on her left side. Another student approaches Ms. ██████████ there is a brief exchange, and then the student hugs Ms. ██████████ and starts up the staircase. Ms. ██████████ is speaking with Officer Pierre when she makes a brief hand gesture with her left index finger pointing while her elbow was near her side, and then she turns away from him (*see figure 1*). Officer Pierre suddenly grabs her and wraps Ms. ██████████ around the upper body, with her arms and shoulders within Officer Pierre's grasp, i.e., bear hug (*see figure 2*). Officer Pierre moves her backwards towards the staircase, where Ms. ██████████ falls backwards / sideways down the stairs (*see figure 3*). Officer Pierre straddles Ms. ██████████ as he goes down the stairs and out of view, and Officer Tripp immediately follows behind them (*see figure 4*).



Left (Figure 1): Ms. ██████████ making a gesture with her left finger while with Officer Pierre (Att. 21, file name "Marshall236Stairs208\_2019-01-29\_09h00min00s000ms" at 9:48:24.803).



Right (Figure 2): Officer Pierre grabbing Ms. ██████████ by the upper body and arms (Att. 21, file name "Marshall236Stairs208\_2019\_01-29\_09h00min00s000ms" at 9:48:25.938).



Left (Figure 3): Officer Pierre moving Ms. ██████████ backwards towards the stairs (Att. 21, file name "Marshall236 Stairs208\_2019-01-29\_09h00min00s000ms" at 9:48:27.606).



Right (Figure 4): Officer Pierre leaning over Ms. ██████████ as she appears to fall back, right side down the stairs (Att. 21, file name "Marshall236Stairs208\_2019-01-29\_09h00min00 s000ms" at 9:48:28.674).

<sup>65</sup> *Id.*, at 9:47:25 AM (according to the time stamped on the lower left corner of the video).

**Security camera footage** from the first floor of John Marshall High School<sup>66</sup> at 9:48:45 a.m. shows the video of Ms. [REDACTED] and Officers Pierre and Tripp emerge from the landing at the top of the stairs leading to the second floor.<sup>67</sup> Officer Pierre has Ms. [REDACTED] right ankle in his hands and he drags her down the staircase and places his right foot on her stomach. Officer Tripp is on top of Ms. [REDACTED] and is dragged down the stairs along with her. Once on the first floor, Officer Pierre moves his right hand to grab hold of Ms. [REDACTED] left ankle and his left hand on her right wrist as he continues to step on her stomach. Officer Tripp strikes Ms. [REDACTED] in the face approximately three times. Moments later, Officer Tripp strikes Ms. [REDACTED] in the face approximately two more times. Officer Pierre lets go of Ms. [REDACTED] and stands upright, while Officer Tripp and Ms. [REDACTED] continue to struggle on the floor. Officer Pierre withdraws his Taser and places it in his right hand as Officer Tripp stands upright. Ms. [REDACTED] is still on the ground and she is kicking both of her feet. Officer Pierre transfers the Taser from his right hand to his left and takes a rapid swing at Ms. [REDACTED] with his right hand at 9:50:07 seconds in the footage. Officer Pierre grabs hold of Ms. [REDACTED] and the rest of the incident is obscured by the top of the metal detector at the main entrance.

**Cell phone video**<sup>68</sup> looking down from the staircase onto the first floor. The video shows Ms. [REDACTED] on the floor. Ms. [REDACTED] sits upright, and a Taser discharge zap is heard as Officer Pierre is holding the Taser in his right hand within inches of Ms. [REDACTED] neck and shoulder as she is facing away from him. Ms. [REDACTED] swings her right arm at Officer Pierre as she leans back on the floor. Officer Tripp has hold of the handcuff around Ms. [REDACTED] right wrist and Officer Pierre's right foot is on Ms. [REDACTED] thigh. Ms. [REDACTED] sits up while Officer Tripp continues holding the handcuff that is around her wrist and Officer Pierre is now standing with his right foot on Ms. [REDACTED] calf. Ms. [REDACTED] smacks at Officer Pierre's leg and Officer Pierre points his Taser towards her chest area from approximately 12"-18" away and discharges his Taser a second time. Ms. [REDACTED] then tries to grab Officer Pierre's Taser and Officer Pierre quickly moves the Taser from his right to his left hand and swings his open right hand at Ms. [REDACTED] face and head. The officers and Ms. [REDACTED] move out of frame and the video ends.

## V. LEGAL STANDARD

### a. Use of Force

The main issue in evaluating every use of force is whether the amount of force the officer used was objectively reasonable, necessary, and proportional in light of the totality of the circumstances faced by the officer.<sup>69</sup> The factors to be considered in assessing the reasonableness of force include, but are not limited to, (1) whether the subject was posing an immediate threat to the safety of officers or others; (2) what risk of harm, level of threat or resistance is presented by the subject; and (3) what is the subject's proximity or access to weapons.<sup>70</sup> In all uses of force, the

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<sup>66</sup> Attachment 21, file name "Marshall Door (8)116\_2019-01-29\_09h00min00s000ms". This video does not include audio.

<sup>67</sup> *Id.*, at 9:48:45 AM (according to the time stamped on the lower left corner of the video).

<sup>68</sup> Attachment 15. The video is self-identified as provided by [REDACTED] to the *Chicago Sun-Times*.

<sup>69</sup> General Order G03-02(III)(B)(1).

<sup>70</sup> General Order G03-02(III)(B)(1).

goal of a Department member's response is to resolve the incident "with the foremost regard for the preservation of human life and the safety of all persons involved."<sup>71</sup>

The Force Options directive divides subjects into categories based upon the amount of force the subject is using and provides for what types of force members are permitted to use against those subjects. These categories are (1) cooperative subjects who are compliant without the need for force; (2) passive resisters who fail to comply, via non-movement, with verbal or other direction; (3) active resisters who attempt to create distance between themselves and members' reach with the intent to avoid physical control and/or defeat arrest; and (4) assailants who use or threaten the use of force which is likely to cause physical injury.<sup>72</sup> Force that is used as punishment or retaliation is explicitly prohibited.<sup>73</sup> De-escalation techniques are to be employed when it is safe and feasible.<sup>74</sup>

The analysis of the reasonableness of an officer's actions must be grounded in the perspective of "a reasonable officer on the scene, rather than with the 20/20 vision of hindsight" and "allow for the fact that police officers are often forced to make split-second judgments—in circumstances that are tense, uncertain, and rapidly evolving—about the amount of force that is necessary in a particular situation."<sup>75</sup>

#### **b. De-escalation Principles**

When using any force, Department members will use de-escalation techniques to prevent or reduce the need for force, when it is safe and feasible under the totality of the circumstances.<sup>76</sup> This includes continually assessing the situation and modifying the use of force as circumstances change and in ways that are consistent with officer safety.<sup>77</sup> The requirement to continually assess the situation means they must determine (1) if any use of force is necessary; (2) the authorized force option based on the totality of the circumstances; (3) if the seriousness of the situation requires an immediate response or whether the member can deploy other force options or the Force Mitigation Principles; and (4) if the level of force employed should be modified.<sup>78</sup>

The policy provides the following Force Mitigation Principles:

Continual Communication: Members are required to attempt to use verbal control techniques to avoid or minimize confrontations prior to, during, and after the use of physical force, when feasible and safe, including persuasion, advice, instruction, and warning prior to the use of physical force. Members should establish and maintaining verbal communication and continually evaluate the effectiveness of that communication including maintain one-on-one communication.

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<sup>71</sup> General Order G03-02-01(II)(A).

<sup>72</sup> General Order G03-02-01(IV).

<sup>73</sup> General Order G03-02(III)(B)(5)(c).

<sup>74</sup> General Orders G3-02(III)(B)(4) and G03-02-01(II)(B).

<sup>75</sup> *Plumhoff v. Rickard*, 572 U.S. 765, 775 (2014) (internal quotations and citation omitted). *See also, Graham v. Connor*, 490 U.S. 386 (1989), and G03-02(II)(D).

<sup>76</sup> *Id.*, at (II)(B).

<sup>77</sup> *Id.*

<sup>78</sup> *Id.*, at (II)(F).

Members should also adjust verbal communication and allow a different member to initiate verbal commands (but refrain from giving simultaneous directions).<sup>79</sup>

Tactical Positioning: When it is safe and reasonable to do so, members should make advantageous use of positioning, distance, and cover by isolating and containing a subject and continuously evaluating the member's positioning, the subject's actions, and available force options. This includes creating a "zone of safety" to continually monitor the subject and the scene, contain the subject, and ensure the subject does not pose a continuing threat to Department members or the public.<sup>80</sup>

Time as a Tactic: When it is safe and reasonable to do so, officers should use time as a tactic by establishing a zone of safety for security of responding members and the public. This may (1) permit the de-escalation of the subject's emotions and allow the subject an opportunity to comply; (2) allow for continued communication and adjustment of verbal control techniques; and (3) allow for the arrival of additional members.<sup>81</sup>

### c. Taser Use

General Order G03-02-04 outlines the Department's policy governing the deployment of Taser devices. A member's use of a Taser must be objectively reasonable, necessary under the circumstances, and proportional to the threat, actions, and level of resistance offered by a subject.<sup>82</sup> Members may use a Taser only against a subject who is an assailant or an active resistor.<sup>83</sup> Due to the fact that Tasers "can cause serious injury or death," policy places a number of prohibitions on the use of Tasers, including (1) using multiple Tasers against the same subject unless the probes in the already attempted Taser use did not make contact with the subject; and (2) using "drive stuns"<sup>84</sup> unless the subject is an assailant, and other force options are not readily available.<sup>85</sup>

Moreover, the policy provides requirements for the Authorized Manner of Use, including: (1) giving verbal commands and warnings prior, during, and after deployment; (2) aiming for the back, whenever possible; (3) discharging probes at an ideal distance of 7-15 feet; (4) using only one five-second cycle then reassessing the situation before any additional cycles are given or cartridges are discharged; and (5) if the subject has been exposed to three, five-second energy cycles, or a cumulative 15 total seconds of energy, switch to other force options unless the member can reasonably justify the continued Taser use.<sup>86</sup>

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<sup>79</sup> General Order G03-02-01(III)(A).

<sup>80</sup> General Order G03-02-01(III)(B).

<sup>81</sup> General Order G03-02-01(III)(C).

<sup>82</sup> General Order G03-02-04(II)(C).

<sup>83</sup> *Id.*

<sup>84</sup> The TASER manual describes a "drive stun" as using the TASER more as a traditional stun gun by firmly pressing the TASER against the body of the subject. *See*, Taser X2 CEW User Manual, AXON (March 2020) pp. 40-41.

<sup>85</sup> General Order G03-02-04(II)(D).

<sup>86</sup> General Order G03-02-04 (III)(B).

#### d. Body Worn Cameras (BWCs)

Officers have a mandatory, non-discretionary, duty to activate their BWCs whenever they are engaged in law-enforcement-related activity.<sup>87</sup> The order requires members to activate their BWCs at the beginning of an incident and record the entire incident for “all law-enforcement-related activities.”<sup>88</sup> The order provides a list of such activities, but emphasizes that the duty to activate their BWC is not limited to those enumerated activities.<sup>89</sup> The enumerated activities relevant to this case include, but are not limited to, calls for service, investigatory stops, foot pursuits, arrests, use of force incidents, high-risk situations, and any encounter with the public that becomes adversarial after the initial contact.<sup>90</sup> If circumstances prevent a member from activating his or her BWC at the beginning of an incident, the officer must activate the BWC as soon as practical.<sup>91</sup>

#### e. Standard of Proof

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

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<sup>87</sup> Special Order S03-14(III)(A). There are specified exceptions within the order, none of which are applicable to this incident.

<sup>88</sup> *Id.* at (III)(A)(2).

<sup>89</sup> *Id.*

<sup>90</sup> *Id.*

<sup>91</sup> *Id.*

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

### a. Use of Force

#### i. Officer Pierre’s Use of Force Allegations

##### Officer Pierre Allegation No. 1 (grabbing ██████████ shoulders or arms) – Sustained

As mentioned above, the primary question in reviewing use of force incidents is whether an officer’s actions were reasonable based upon the totality of the circumstances. The circumstances may further limit these permissible responses to only that which is necessary, by “using only the amount of force required under the circumstances.”<sup>92</sup> Responses must also be “proportional to the threat, actions, and level of resistance offered by the subject.”<sup>93</sup>

As described in Officer Pierre’s TRR, he characterized Ms. ██████████ as “agitated and verbally abusive and attempted to walk away back into the hallway” when he grabbed her. During his statement to COPA,<sup>94</sup> he described Ms. ██████████ as defiantly waving her hand and pointing towards his face, which he perceived to be aggressive and threatening. He said it startled him and caused him to acquire physical control of her by restraining her upper body to prevent her from striking him or leaving. Officer Pierre’s justification for this tactic was to prevent harm to students and staff, and to prevent disruptions in the building. Officer Tripp<sup>95</sup> stated that just prior to Officer Pierre grabbing Ms. ██████████ Ms. ██████████ put her hand in Officer Pierre’s face. In the TRRs of both Officers Pierre and Tripp, neither articulated any threat, real or perceived, by Ms. ██████████ raising her hand. The security video shows Ms. ██████████ gesturing with her left hand for less than a second, her hand seemingly at the level of her shoulder and Officer Pierre’s chest with her elbow near her side. Officer Pierre did not flinch, back away, grab for her hand, or display any other defensive or surprised reaction. Officer Tripp, who was standing on the other side of Ms. ██████████ likewise made no apparent movement in reaction to the gesture. However, when Ms. ██████████ started to turn around, Officer Pierre stepped in front of her, wrapped her in a bear-hug around her shoulders and arms, and immediately began walking quickly towards the stairs. Ms. ██████████ was in Officer Pierre’s hold and against his body as she was marched backwards to the stairs. Ms.

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<sup>92</sup> General Orders G03-02-01(II)(D) and G03-02(III)(B)(2).

<sup>93</sup> General Orders G03-02(III)(B)(3) and G03-02-01(II)(C).

<sup>94</sup> COPA considered the statements of Officer Pierre in light of all of the available evidence and finds him to be credible at times and unreliable at other times. Specific instances where his credibility is in question are specifically stated in this analysis. His credibility was given greater consideration where it was corroborated by other reliable evidence, such as the available video.

<sup>95</sup> COPA considered the statements of Officer Tripp in light of all of the available evidence and finds her to be credible at times and unreliable at other times. Specific instances where her credibility is in question are specifically stated in this analysis. Her credibility was given greater consideration where it was corroborated by other reliable evidence, such as the available video.

██████ described this portion of the event as being grabbed by Officer Pierre when she tried to walk away.

Ms. ██████ actions in failing to comply with Officer Pierre's verbal instructions would classify her as a passive resister. To be categorized as an active resister, the person must act with the intent to avoid physical control or arrest. Arguably, when Ms. ██████ started to turn and step away from the officers, her actions could have been interpreted as that of an active resister. As such, a holding technique, such as that applied by Officer Pierre, would be authorized under either category of resister.

However, when safe and feasible, Officer Pierre was to exercise de-escalation techniques. The evidence uncovered during the course of this investigation does not reflect it was necessary for Officer Pierre to acquire immediate control of Ms. ██████ by force at that time or in that manner. Instead, Officer Pierre had several force mitigation tools which should have been assessed and utilized during his initial encounter with Ms. ██████. Officers Pierre and Tripp were on the second floor for less than one minute before Officer Pierre grabbed Ms. ██████. The majority of that time, Ms. ██████ was peacefully engaging with another student (Ms. ██████ Ms. ██████) who posed no immediate threat. She was not armed with a weapon nor was she attempting or threatening to make contact with or harm anybody. Safe and feasible de-escalation techniques of communication, positioning and time were available in lieu of taking immediate physical control of Ms. ██████. Yet in the brief time they were all together before Officer Pierre grabbed Ms. ██████ little communication was employed by either officer to mitigate the need to use force. Ms. ██████ friend spent more time speaking with her than the officers did. Neither Officer Pierre nor Officer Tripp attempted any communication with Ms. ██████ when she turned away from them. Rather than use tactical positioning and a zone of safety, Officer Pierre stood within arm's reach of Ms. ██████ on her left. When she turned, he stepped even closer, putting his foot between her feet and grabbed her. While situations can and often rapidly develop and change, Officer Pierre had viable de-escalation tactics available that if used, may have procured voluntary compliance. Based upon the totality of the circumstances, COPA finds by a preponderance of the evidence that at the time Officer Pierre applied the holding technique (i.e., grabbing her around her body and restraining her arms) it was an excessive use of force and objectively unreasonable. Therefore, COPA finds that **Allegation No. 1 is sustained.**

#### **Officer Pierre Allegation No. 2 (dragging Ms. ██████ down the stairs) – Sustained**

The encounter involving Officer Pierre, Officer Tripp, and Ms. ██████ continued onto the landing between the first and second floor. The evidence shows that at the landing Ms. ██████ struggled with the officers during which time Officer Pierre was able to grab her by her ankle. Security footage then shows Officer Pierre pulling Ms. ██████ down the second set of stairs (approximately 15 stairs) by her ankle to the first floor. Officer Tripp, who was attached to Ms. ██████ is pulled down the steps as well. In his statement to COPA, Officer Pierre said that he

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<sup>96</sup> COPA considered the statement of Ms. ██████ in light of all of the available evidence. COPA finds her to be credible at times (e.g. bolstered by her admission that she did not comply with either school officials or police officers, and acted out in anger), and unreliable at other times (e.g. lack of detail and inability to recall portions of the interaction with the officers, particularly on the landing). COPA relied on her account where it was corroborated by other verifiable evidence, such as the available video.

fell down the first few steps, but then admits he pulled Ms. ██████ down the remainder of the stairs. While video evidence is obstructed at points, it does not appear Officer Pierre was struggling with his balance as he proceeds to drag Ms. ██████ down the stairs by her ankle. COPA acknowledges the aggressive behavior of Ms. ██████. In his TRR, Officer Pierre described Ms. ██████ striking and kicking both he and his partner. He noted that Ms. ██████ was able to pull away while she had one hand cuffed, striking Officer Tripp in the face with the cuffed hand. His TRR includes that Ms. ██████ again kicked Officer Pierre causing him to fall backwards down the flight of stairs, while dragging her by her ankle down the stairs. The narrative of Officer Tripp's TRR was substantially similar. Ms. ██████ did not recall much of what occurred on the landing, other than being dragged down the stairs.

Applying the force options, Ms. ██████ was an assailant when she struck and kicked the officers. A wide range of authorized options are permitted in such a circumstance. However, dragging a subject down stair steps is so objectively unreasonable under the totality of these circumstances that trying to reconcile it as being an authorized type of force option is unnecessary. Dragging a subject down stair steps is an excessively disproportionate response to an unarmed subject even if that individual is punching, kicking, and even biting at the officer. Officer Pierre's actions here ignored the Department's policy to "act with the foremost regard for the preservation of human life and the safety of all persons involved."<sup>97</sup> He not only endangered the health and safety of Ms. ██████ but that of Officer Tripp as well. For the reasons stated, COPA finds that **Allegation No. 2 is sustained.**

### **Officer Pierre Allegation No. 3 (grabbing Ms. ██████ arms and legs) – Exonerated**

Allegation No. 3 addresses Officer Pierre's hold of Ms. ██████ left wrist and leg. The first-floor security video shows that when the officers and Ms. ██████ got to the bottom of the stairs on the first floor, Officer Pierre took hold of the handcuff on Ms. ██████ left wrist and her left leg. He then placed his foot on her stomach area, while Officer Tripp was struggling with Ms. ██████ on the ground with Officer Tripp's right hand on Ms. ██████ mouth. In their statements to COPA, both officers stated that Ms. ██████ was biting Officer Tripp's thumb at this time. In her statement, Ms. ██████ admitted that she was kicking, punching, and biting to fight back at the officers. In Officer Pierre's statement to COPA, he stated that he grabbed the handcuff on Ms. ██████ arm and her legs to prevent her from committing a further battery upon him or his partner. COPA finds that Ms. ██████ was an assailant at this time. A Department member is authorized to use holding techniques in response to a subject who is an assailant. COPA finds that there is clear and convincing evidence that this response, i.e., taking hold of her arm and leg, was objectively reasonable and proper, and finds that **Allegation No. 3 is exonerated.**

### **Officer Pierre Allegation No. 5 (stepping on Ms. ██████ stomach area) – Sustained**

As referenced in Allegation No. 3 above, this action took place after the officers and Ms. ██████ were on the first floor. While holding Ms. ██████ arm and leg, Officer Pierre stepped on Ms. ██████ stomach area, leaving his foot there for 20-25 seconds.<sup>98</sup> During that time, he

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<sup>97</sup> General Order G03-02(II)(A).

<sup>98</sup> Attachment 21, file name "Marshall Door (8)116\_2019-01-29\_09h00min00s000ms" from 9:48:56.501 – 9:49:18.953.

appears to apply varying amounts of pressure. On a couple of occasions, he briefly raises and moves his other foot, which places most if not all of his 250 pounds on the stomach of the 123-pound Ms. [REDACTED]. He also appears to be pulling on her arm and leg, so they are fully extended, thereby putting pressure on her stomach. In his statement to COPA, Officer Pierre admitted to grabbing Ms. [REDACTED] by the cuff on her hand and her legs. However, he denied placing his foot on her stomach or chest area. This denial is contrary to the clear video evidence. As previously stated in Allegation No. 3, Ms. [REDACTED] was biting Officer Tripp's right thumb, and thereby was an assailant.

Officer Pierre's use of his foot to apply pressure and place his weight on Ms. [REDACTED] stomach area is similar to direct mechanicals, which are forceful, concentrated striking movements. Direct mechanicals are authorized responses against assailants, but the Department's policies recognize that applying constant pressure to the stomach or chest area presents a risk that the involved individual may experience difficulty breathing and is thus a tactic that should be avoided.<sup>99</sup> By placing his foot on the stomach of Ms. [REDACTED] Officer Pierre compromised her ability to breathe, which was likely made worse given the weight disparity involved between the two parties and was a disproportionate use of force by Officer Pierre. Based upon the foregoing, COPA concludes stepping on Ms. [REDACTED] stomach was an objectively unreasonable and unnecessary tactic that was disproportional in light of the totality of the circumstances faced. COPA finds **Allegation No. 5 is sustained.**

#### **Officer Pierre Allegation No. 4 (taking Ms. [REDACTED] to the ground) – Not Sustained**

Allegation No. 4 is that Officer Pierre performed a take down upon Ms. [REDACTED]. Officer Pierre checked the box on his TRR, stating that one of his responses to Ms. [REDACTED] was a "take down," but never described doing so in his narrative. In his statement to COPA, he explained conducting a take down because Ms. [REDACTED] was battering and biting Officer Tripp. Officer Tripp recalled that at the time Ms. [REDACTED] was biting her, Ms. [REDACTED] was already on the ground. Ms. [REDACTED] did not describe being taken down. While COPA acknowledges that available video evidence does not depict a comprehensive account of the events, the available video does not depict a take down. Because COPA cannot determine by a preponderance of the evidence if and when a takedown occurred, COPA finds **Allegation No. 4 is not sustained.**

#### **Officer Pierre Allegations No. 6 (open hand strikes) and No. 7 (closed hand strikes) – Not Sustained**

To address Allegations No. 6 and No. 7, COPA must first determine if an open hand strike and a closed hand strike were used by Officer Pierre. Officer Pierre documented in his TRR that he did use each of these mechanisms. He described that while the officers struggled with Ms. [REDACTED] on the landing, he delivered an open hand strike to the face, in an attempt to control Ms. [REDACTED]. He continued that at the bottom of the steps, he delivered a closed hand strike to the face because Ms. [REDACTED] would not release her bite of Officer Tripp's thumb. However, in his statements to COPA, Officer Pierre repeatedly denied actually striking Ms. [REDACTED] with either an

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<sup>99</sup> General Order G03-02-01(V), which instructs members that after a use of force incident, members should avoid sitting, kneeling or standing on a subject's chest or not having a subject lie on his stomach, because these things could interfere with their ability to breathe.

open hand or a closed hand, stating that he attempted to do so but was unsuccessful. At one point, he explained that he accidentally made contact with Ms. [REDACTED] face while pushing her against a wall on the landing, but the attempted closed hand strike was in response to Ms. [REDACTED] grabbing for his Taser after he had twice deployed it at her. On both the first-floor security video and the cell phone video, Officer Pierre can be seen swinging an open hand towards Ms. [REDACTED] face after twice deploying his Taser. However, if and where his hand connected is not visible. This is inconsistent with both the timing and circumstances of his documented use of a closed hand strike, as well as the depiction of an open hand being used in the video.<sup>100</sup> No other witness or evidence clearly describes the use of the hand strikes and whether or not they indeed made contact with Ms. [REDACTED]. Ms. [REDACTED] herself was not able to fully and accurately recall the events, however she did recall being struck by Officer Pierre after she watched video from the first floor.<sup>101</sup> She did not provide details of where Officer Pierre struck her or what she was doing at the time. Given this, and the fact that the video does not fully capture all aspects of this incident, there is a lack of evidence to either corroborate or contest the description of these strikes as set forth in Officer Pierre's TRR. COPA cannot determine by a preponderance of the evidence if either an open hand strike or a closed hand strike occurred, therefore, COPA finds that **Allegation No. 6** and **Allegation No. 7** are both **not sustained**.

## ii. Officer Tripp's Use of Force Allegations

### **Officer Tripp Allegations No. 1 (taking Ms. [REDACTED] to the ground) and No. 3 (grabbing Ms. [REDACTED] arms and legs) – Not Sustained**

To address Allegations 1 and 3 against Officer Tripp, COPA must first determine if the force alleged was used, before analyzing whether such force was justified. Officer Tripp checked the box on her TRR that she performed a takedown of Ms. [REDACTED] but did not explain how or when that occurred in the narrative portion of the TRR. A review of the available video does not depict either of these responses. Ms. [REDACTED] described being grabbed by both officers while on the landing, but no details or specifics were provided. For the same reasons discussed in Allegation Nos. 4, 6, and 7 for Officer Pierre, COPA cannot determine by a preponderance of evidence that Officer Tripp performed a take down on Ms. [REDACTED] or grabbed Ms. [REDACTED] arms and legs. Therefore, COPA finds that **Allegation No. 1** and **Allegation No. 3** are both **not sustained**.

### **Officer Tripp Allegation No. 2 (striking Ms. [REDACTED] head) – Exonerated**

As previously discussed in Allegation Nos. 3 and 5 for Officer Pierre, when the officers and Ms. [REDACTED] landed at the bottom of the stairs on the first-floor, Ms. [REDACTED] and Officer Tripp were on the ground, and Ms. [REDACTED] was biting Officer Tripp's thumb. The first-floor security video shows Officer Tripp's right hand at Ms. [REDACTED] mouth at this time, which is also when Ms. [REDACTED] described biting the officers. The video also shows Officer Tripp make striking motions in the direction of Ms. [REDACTED] face and head. During this time, Ms. [REDACTED] is also

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<sup>100</sup> Notably, Officer Pierre's counsel characterized this action as a "slap" when describing what was on the video. See Attachment 121, p. 51, lines 1-11.

<sup>101</sup> Had Officer Pierre been able to accurately account for the actions describes in his TRR, it is quite possible those actions would have been authorized, however, since the facts remain in dispute, COPA cannot reach such a determination.

struggling and swinging her unrestrained left arm at Officer Tripp. In Officer Tripp's statement to COPA, she admitted striking several times in attempts to get Ms. ██████ to stop biting down on her thumb. Likewise, her TRR describes giving a closed hand strike to Ms. ██████ face for the same reason. Ms. ██████ described Officer Tripp hitting her in the face, which was before she bit Officer Tripp.

It is clear that Ms. ██████ bit Officer Tripp's thumb and swung her arm at Officer Tripp, which would categorize Ms. ██████ as an assailant. Direct mechanicals (punches) are authorized responses from Members against assailants. It is clear that Officer Tripp's right thumb is in Ms. ██████ mouth when Officer Tripp strikes down with her left hand.<sup>102</sup> When Officer Tripp is able to free her right hand, Ms. ██████ is seen on the video striking up at Officer Tripp. Officer Tripp makes additional strikes in the direction of Ms. ██████ head and face.<sup>103</sup> COPA is unable to determine if all of these strikes are direct mechanicals (punches) or stunning (diffused-pressure striking or slapping), and whether they made contact. However, the evidence is clear and convincing that the use of force was authorized and reasonable. Therefore, COPA finds **Allegation No. 2 is exonerated.**

#### **Officer Tripp Allegation No. 4 (kicked Ms. ██████ – Unfounded**

Allegation No. 4 against Officer Tripp is that she kicked Ms. ██████ without justification. Officer Tripp stated that while she did "tussle" with Ms. ██████ she did not recall kicking her. She did not indicate kicking Ms. ██████ on her TRR. And Ms. ██████ did not state that Officer Tripp kicked her. The evidence is clear and convincing that Officer Tripp did not kick Ms. ██████ Therefore, COPA finds **Allegation No. 4 is unfounded.**

#### **b. Taser Use**

#### **Officer Pierre Allegation No. 8 (discharging Taser) – Exonerated**

As discussed above, the use of Taser is authorized when a subject is an active resister or an assailant, and the manner of use subject to various restrictions.<sup>104</sup>

Officer Pierre deployed his Taser on two separate occasions, when he, Officer Tripp, and Ms. ██████ were on the first floor and while Ms. ██████ was seated on the floor. The first deployment was while Ms. ██████ was facing away from Officer Pierre, and he appears to deploy the Taser towards her right shoulder blade or neck area from inches away. After deploying his Taser, the first time, Officer Pierre stepped on top of Ms. ██████ right thigh, pointing the Taser at her as she seems to lay back on the ground. Officer Tripp grabbed the handcuff attached to Ms. ██████ right hand. Ms. ██████ struck Officer Pierre in the abdomen and kicked him when he removed his foot from her leg. As she repositions, Officer Pierre then stepped on the side of her ankle, pinning it to the ground. Ms. ██████ is still for several moments, then swiped her hand at Officer Pierre's leg and his hand. Officer Pierre holds the Taser about 12" – 18" from Ms. ██████ pointing it in the direction of what appears to be her chest and deploys the Taser a second time. It

<sup>102</sup> Attachment 21, file name "MarshallDoor(8)116\_2019-01-29\_09h00min00s000ms" at 9:49:04.876.

<sup>103</sup> Attachment 21, file name "MarshallDoor(8)116\_2019-01-29\_09h00min00s000ms" at 9:49:21.222.

<sup>104</sup> General Order G03-02-01(IV)(B)(2)(c)(5), (IV)(C)(1)(a).

is not clear if the Taser probes connect with Ms. [REDACTED] on either occasion, but she does not appear to be affected by either Taser deployment.

Officer Pierre's explanations for using his Taser were confusing and inconsistent. He stated Ms. [REDACTED] was an assailant and that, both times he deployed his Taser, Ms. [REDACTED] was biting Officer Tripp. However, when he described how the first Taser deployment occurred, he said that Officer Tripp was on his left, "dislodged" from Ms. [REDACTED]. This description is consistent with what is depicted in the cell phone video, where Ms. [REDACTED] is not biting Officer Tripp. Ms. [REDACTED] was not an assailant at the time Officer Pierre first deployed his Taser. Her movements and apparent non-compliance would classify her an active resister.

At the time Officer Pierre deployed his Taser the second time, she was also an active resister, and at times, an assailant. She was kicking, swinging her arms, hitting and swiping at the officers. She caused the handcuff on her right hand to strike the face of Officer Tripp. She was not compliant and did not exhibit any signs of submitting to the officers' authority. However, the use of a Taser is authorized even against a subject who is an active resister. Once again, one must look to the objective reasonableness of the officer's response. COPA determines that both times Officer Pierre deployed his Taser, it was objectively reasonable under the totality of circumstances. While Ms. [REDACTED] was on the ground with one hand in cuffs, she was consistently actively resisting by her movements, and assailed the officers several times. Ms. [REDACTED] resistance was persistent, and Officer Pierre employed a proportionate level in response. For all of these reasons, COPA finds that the evidence is clear and convincing that **Allegation No. 8 is exonerated.**

**c. Reporting Requirements**

**i. Officer Pierre's Allegations**

**Officer Pierre Allegation No. 10 (providing inaccurate details to Off. Williams) – Not Sustained**

Officer Corry Williams drafted the Original Case Incident Report in this case. As a responding officer, he did not witness the events leading to her arrest. The report that he generated contained numerous inaccurate statements of varying degrees of significance. Prior to drafting that report, he spoke separately with both Officer Pierre and Officer Tripp. COPA is unable to determine by a preponderance of the evidence whether the inaccurate statements were the result of Officer Pierre's account to Officer Williams, Officer Tripp's account to Officer Williams, a misinterpretation or misunderstanding on the part of Officer Williams, or some combination of all of these. As such, COPA finds **Allegation No. 10 is not sustained.**

**ii. Officer Tripp's Allegations**

**Officer Tripp Allegation No. 6 (providing inaccurate details to Off. Williams) – Not Sustained**

For the same reasons discussed in Allegation No. 10 for Officer Pierre, COPA finds **Allegation No. 6 is not sustained.**

**Officer Tripp Allegation No. 7 (inaccurate or misleading arrest report) – Not Sustained**

Ms. [REDACTED] was arrested as a result of this incident, and an arrest report was created containing the electronic signature of Officer Tripp. The narrative section within it includes the statement that Ms. [REDACTED] “initiated a physical altercation with [the] officers.” The evidence uncovered during the course of this investigation makes clear that Officer Pierre made physical contact with Ms. [REDACTED] first. COPA realizes however, the narrative statement in question may be subject to more than one interpretation, including the one Officer Tripp gave during her statement, i.e., Ms. [REDACTED] initiated the physical altercation when she pointed her finger in Officer Pierre’s face. It is evident that the manner in which this incident was described in the arrest report could have been narrated in greater detail and specificity. Given the above, COPA finds there is insufficient evidence to conclude by a preponderance of the evidence that the statement was inaccurate or misleading. While COPA finds Tripp credible in her accounting that she did not author the arrest report, COPA reaches this conclusion without regard to who actually drafted the report. For these reasons, **COPA finds Allegations No. 7 is not sustained.**

**d. Body Worn Camera (BWC) Activation****i. Officer Pierre’s Allegations****Officer Pierre Allegation No. 9 (failing to activate his BWC) – Sustained**

As addressed above, Special Order S03-14 describes when officers are required to activate their BWC.<sup>105</sup> Officer Pierre was summoned by school officials to provide police service. He considered his encounter with Ms. [REDACTED] to be a police matter, which is corroborated not only by his statement to CCSAO investigators, but by his claim that he attempted to activate his BWC. Moreover, this interaction became adversarial almost immediately after it started. All of these are reasons that Officer Pierre should have activated his BWC. Officer Pierre’s claim that he attempted to activate his BWC lacks credibility. Although in support of this claim he pointed out on the Marshall High School security video where that supposedly occurred, the video disputes his claim. Officer Pierre stated that his BWC was on his right shirt pocket. The portion of the video he referenced in his statement shows his right hand at the right side of his chest (see *Figure 7*, below). However, no tapping motion is visible, and as the following screenshots demonstrate, the video evidence shows that Officer Pierre’s BWC was actually on his left shirt pocket (see *Figures 5 and 6*, below), and not in the area where his right hand was positioned.

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<sup>105</sup> Special Order S03-14(III)(A)



*Left (Figure 5):* Officer Pierre shortly after reaching the second floor, with his BWC on his left shirt pocket (Attachment 84, file name “Marshall236Stairs208\_2019-01-29\_09h00min00s000ms” at 9:47:36.677).

*Center (Figure 6):* Officer Pierre after the incident, with a clear front view and the location of his BWC (Attachment 38, file name “WILLIAMS, CORRY\_AXON\_Body\_2\_Video\_2019-01-29\_0955” at 2:43 of the video).

*Right (Figure 7):* Officer Pierre attempting to activate his BWC, as identified by Officer Pierre during his interview with COPA (Attachment 84, file name “Marshall236Stairs208\_2019-01-29\_09h00min00s000ms” at 9:47:57.953).

Officer Pierre did eventually activate his BWC after the incident was concluded when he, other officers, and Ms. ██████ were inside of an office in the school. Prior to activating his BWC, Officer Pierre had spoken with school officials, Mr. ██████ encountered and engaged with Ms. ██████ and employed multiple uses of force on Ms. ██████ – all activities that are clearly law-enforcement-related. Consequently, COPA finds that **Allegation No. 9 is sustained.**

## ii. Officer Tripp’s Allegations

### Officer Tripp Allegation No. 5 (failing to activate her BWC) – Sustained

As discussed in Allegation No. 9 for Officer Pierre, an officer is required to activate his or her BWC during law-enforcement-related activities. Officer Tripp, like Officer Pierre, was engaged in a law-enforcement-related activity as soon as they approached Ms. ██████. Further law-enforcement-related activities occurred when the encounter became adversarial, when force was used on Ms. ██████ and when they attempted to arrest her. Officer Tripp never activated her BWC. She explained that initially she did not have time to do so, and after the altercation ended, she did not think about it. Accordingly, COPA finds that **Allegation No. 5 is sustained.**

## VIII. RECOMMENDED DISCIPLINE FOR SUSTAINED ALLEGATIONS

### a. Officer Johnnie Pierre

#### i. Complimentary and Disciplinary History

Officer Johnnie Pierre has been a member of the Chicago Police Department since September 25, 2006. Since that time, he has received one Complimentary Letter, 15 Honorable Mentions, one Attendance Recognition Award, two Crime Reduction Awards (2009 and 2019), one NATO Summit Service Award, and one Presidential Election Deployment Award (2008). Officer Pierre does not have any history of sustained complaints or SPARs.

## **ii. Recommended Penalty**

COPA recommends that Officer Johnnie Pierre receive a 120-day Suspension and training in the areas of De-Escalation and Force Mitigation, Crisis Intervention, Taser use and deployment. COPA has considered both his limited complimentary history and lack of disciplinary history in mitigation. COPA notes that he was a Department member for over 12 years at the time of this incident, including approximately three years at John Marshall Metropolitan High School. It is also noted that Officer Pierre had training the month before on “A Tactical Mindset: Police Legitimacy and Procedural Justice,” and other recent trainings on “Use of Force 4-Hour,” “Body Worn Camera Roll Call Training,” “Mental Health Crisis Intervention Team Training,” and “Taser x2 8 Hour Certification.”<sup>106</sup> Officer Pierre’s most egregious violation was dragging Ms. ██████ down a flight of stairs. This conduct created an undue risk of harm to not only Ms. ██████ but to his own partner as well. That conduct alone warrants the recommended suspension. But it cannot be overlooked that Officer Pierre’s unreasonable use of force in grabbing Ms. ██████ set into action the needless physical confrontation that followed. Although COPA exonerated Officer Pierre using his Taser, it notes that there were troubling techniques and decisions involved. Officer Pierre tased Ms. ██████ from much closer than the recommended distance at time when he easily could have created the appropriate 7 – 15 feet distance. Furthermore, he first Taser deployment was aimed at the neck or shoulder area of Ms. ██████ while the second deployment appeared to be aimed at her chest. Department policy makes clear that deployment at these areas of the body are not ideal. Officer Pierre’s conduct was in violation of department policy and contrary to his training. For the foregoing reasons, COPA recommends a 120-day Suspension and training as noted above.

## **b. Officer Sherry Tripp**

### **i. Complimentary and Disciplinary History**

Officer Sherry Tripp has been a member of the Chicago Police Department since February 19, 2013. Since that time, she has received 5 Honorable Mentions, one Attendance Recognition Award, one Crime Reduction Award (2019), and one Emblem of Recognition for Physical Fitness. Officer Tripp does not have any history of sustained complaints or SPARs.

### **ii. Recommended Penalty**

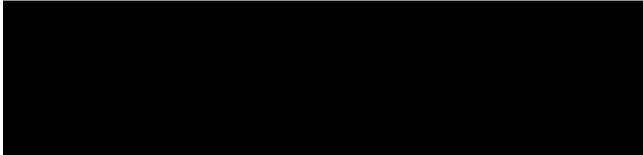
COPA recommends that Officer Sherry Tripp receive COPA recommends that Officer Sherry Tripp receive a 2-day Suspension. COPA has considered both her limited complimentary history and lack of disciplinary history in mitigation. COPA also considers that there was ample opportunity to activate her body-worn camera from the time she learned that hers and Officer Pierre’s assistance was needed, to the time they walked up the stairs and approached Ms.

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<sup>106</sup> Attachment 132.

Although video footage of what occurred on the second floor and then on the first floor existed, this violation impeded this misconduct investigation.

Approved:



\_\_\_\_\_  
Angela Hearts-Glass  
*Deputy Chief Investigator*

2-18-2021

\_\_\_\_\_  
Date



\_\_\_\_\_  
Sydney R. Roberts  
*Chief Administrator*

2-18-2021

\_\_\_\_\_  
Date

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Appendix A

Assigned Investigative Staff

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<b>Squad#:</b>	05
<b>Investigator:</b>	Linda Wyant
<b>Supervising Investigator:</b>	Loren Seidner
<b>Deputy Chief Investigator:</b>	Angela Hearts-Glass