

SUMMARY REPORT OF INVESTIGATION

Date/Time/Location of Incident:	May 30, 2020/ 6:00 P.M./ 400 South Michigan Avenue Chicago, Illinois 60604
Date/Time of COPA Notification:	May 31, 2020/ 1:45 P.M.
Involved Officer #1:	Nicholas Nesis, Star #3329, Employee # [REDACTED], Appointed: February 23, 2015, Police Officer, Unit: 006/189, DOB: [REDACTED], 1991, Male, White
Involved Individual #1:	[REDACTED], DOB: [REDACTED], 1994, Female, White
Case Type:	Excessive Force

I. ALLEGATIONS

Officer	Allegation	Finding
Officer Nicholas Nesis	1. It is alleged by COPA that on May 30, 2020, at approximately 6:00 P.M., at or near 400 South Michigan Avenue, Chicago, Illinois 60604, Police Officer Nicholas Nesis, Star #3329, used excessive force when he grabbed and/or pulled [REDACTED] by her ponytail without justification.	Sustained/ 60-day suspension

II. BACKGROUND AND SUMMARY OF EVIDENCE¹

In the wake of George Floyd’s death at the hands of police officers in Minneapolis, Minnesota on May 26, 2020, large scale protests and demonstrations erupted around our nation calling for police reform. Chicago experienced a period of significant civil unrest which resulted in thousands of police and civilian encounters, many of which were fraught with emotion and hostility. Many of these encounters were captured on videos that went viral on social media platforms and were circulated around the world.

This investigation into the misconduct of the involved Department members began as a web complaint that provided video. On May 31, 2020, [REDACTED] filed a complaint² with COPA alleging that Officer Nicholas Nesis, Star #3329, grabbed and pulled her by her ponytail during a protest in downtown Chicago on May 30, 2020. Ms. [REDACTED] provided COPA with cell

¹COPA conducted a full and complete investigation of this matter, including the interview of all pertinent civilian and officer witnesses, and the collection and review of digital and documentary evidence. As part of COPA’s ongoing efforts to increase case closure capacity, certain cases are summarized more succinctly in a Modified Summary Report of Investigation.

² Att. 3.

phone video³ of the interaction between her and Officer Nesis, as well as still images capturing Officer Nesis' name and likeness.⁴ Ms. ██████ did not cooperate with COPA's investigation or provide a signed affidavit as she elected to obtain legal counsel.⁵ On December 30, 2020, COPA received an affidavit override⁶ and began a full investigation.

The cell phone video⁷ shows Ms. B ██████ in front of a line of protestors, holding what appears to be a small cardboard sign. Officer Nesis is in front of a line of officers, holding his baton in front of him. Ms. ██████ and Officer Nesis are standing face to face, within inches of one another. As the officers attempt to move the protestors back, the video captures Officer Nesis use his baton to push Ms. ██████.⁸ She takes several steps backward but her movement is limited by the crowd of protestors pushing forward. Officer Nesis reaches forward with his right hand and forcefully grabs Ms. ██████ by her ponytail, then quickly yanks her down and out of the camera frame.⁹

In his statement¹⁰ to COPA, Officer Nesis stated, "The force was based on her continuously lunging and grabbing at my baton. In which case, I feared that she would get a hold of it, it would fall to the ground, somebody else may get a hold of it, in which case, that would become a weapon for her to use, somebody else to use, and thinking of my training in riot control, we are trained to remove agitators from the crowd and that's exactly what I did."¹¹ COPA asked Officer Nesis why he used his full wingspan to grab Ms. ██████'s ponytail instead of grabbing her wrist, forearm, or upper arm, which were closer to him, and Officer Nesis replied, "I believe that my intentions were to grab jacket, the collar of jacket, you know, the excess jacket of shoulders, but in those situations, you see what happens directly after this video. You get hit in the face with a cone. Like, the moment you remove somebody, the crowd is very agitated so when I got a hold of whatever I had, I removed her from the crowd. I didn't try to reassess."¹²

III. ANALYSIS AND CONCLUSION

COPA finds the allegation that Officer Nesis used excessive force when he grabbed and/or pulled ██████ by her ponytail, without justification, is sustained. Officer Nesis claimed Ms. ██████ was an agitator who was continuously lunging for his baton. The cell phone video provides compelling evidence that Ms. ██████ did not lunge for or grab at Officer Nesis's baton, nor did she make any other aggressive movements toward the officer. Ms. ██████ was holding a small cardboard sign, attempting to move backward but limited by the protestors pushing forward. The video does not show Ms. ██████ do anything to warrant Officer Nesis's use of force, and COPA finds Officer Nesis's account is not credible.

³ Att. 11.

⁴ Att. 9. Note: Officer Nesis is wearing helmet #13406. In his statement, Officer Nesis said Star #13406 was formerly assigned to him. COPA obtained a star # history and confirmed this. Att. 16.

⁵ Att. 6.

⁶ Att. 13.

⁷ Att. 11.

⁸ Att. 11 at 00:02 seconds.

⁹ Att. 11 at 00:22 seconds.

¹⁰ Audio Att. 15, Transcript Att. 17.

¹¹ Transcript Att. 17, pg. 12, lines 12-21.

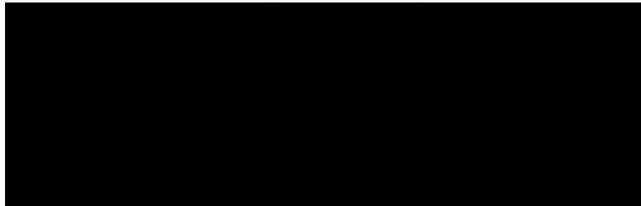
¹² Transcript Att. 17, pg. 19, lines 6-14.

Further, COPA finds Officer Nesis’s explanation for grabbing Ms. [REDACTED] by the ponytail to be insufficient. Officer Nesis stated he intended to grab Ms. [REDACTED]’s jacket, not her ponytail; however, the video evidence shows Officer Nesis extend his arm and reach directly for Ms. [REDACTED]’s ponytail, not her jacket or collar. Under General Order G03-02-01, officers may only use force that is objectively reasonable, necessary, and proportional to the threat, actions, and level of resistance offered by a subject.¹³ The policy mandates that officers use the least amount of force required under the circumstances to serve a lawful purpose.¹⁴ In this case, Officer Nesis was within inches of Ms [REDACTED] and could have grabbed her arms, hands, or body and safely removed her from the line of protesters. Instead, he chose to grab Ms. [REDACTED]’s ponytail and pull her to the ground by her hair, a use of force that was neither necessary nor proportional. Additionally, Officer Nesis’s actions violated G03-02-01, which permits the use of a takedown against active resisters and assailants *but not passive resisters* like Ms. [REDACTED].¹⁵ Therefore, COPA finds the allegation that Officer Nesis used excessive force against Ms. [REDACTED] is **SUSTAINED** as being in violation of Department rules 2, 3, 8, 9, and 6.

IV. RECOMMENDED DISCIPLINE FOR SUSTAINED ALLEGATIONS

COPA has reviewed the complimentary and disciplinary history for Officer Nesis. COPA acknowledges that the dynamics of the protest created a chaotic and stressful environment for Officer Nesis; however, his actions served to inflame the situation rather than deescalated and were not aimed toward obtaining the protesters’ compliance. For these reasons, COPA recommends a 60-day suspension.

Approved:



2/28/2021

Andrea Kersten
Chief of Investigative Operations

Date

¹³ G03-02-01 II (C).

¹⁴ G03-02 (III)(B)(2).

¹⁵ See G03-02-01 (IV)(B)-(C).

Appendix A

Assigned Investigative Staff

Squad#:	6
Major Case Specialist:	Emily Pierce
Supervising Investigator:	Steffany Hreno
Deputy Chief Administrator:	Matthew Haynam