

SUMMARY REPORT OF INVESTIGATION

Date/Time/Location of Incident:	July 17, 2020/ 8:00pm/ 1155 S. Columbus Drive
Date/Time of COPA Notification:	July 18, 2020/ 8:10pm
Involved Sergeant #1:	Kevin Graves, star# 1736, emp.# [REDACTED], DOA: July 9, 2007, Sergeant, 353, DOB: [REDACTED], 1983, Male, White
Involved Sergeant #2:	Charles Rhein, star# 2164, emp.# [REDACTED], DOA: July 27, 1998, Sergeant, 353, DOB: [REDACTED] 1971, Male, White
Involved Officer #1:	William Murphy, star# 19214, emp.# [REDACTED] DOA: February 24, 2003, Officer, 353, DOB: [REDACTED], 1978, Male, White
Involved Officer #2:	David Stepney, star# 3141, emp.# [REDACTED], DOA: September 11, 2000, Officer, 353, DOB: [REDACTED], 1973, Male, Black
Involved Officer #3:	Nicholas Linker, star# 12858, emp.# [REDACTED], DOA: September 26, 2005, Officer, 353, DOB: [REDACTED] 1980, Male, White
Involved Officer #4:	Jessie Chavez, star# 14182, emp.# [REDACTED], DOA: February 2, 2015, Officer, 353, DOB: [REDACTED], 1982, Male, Hispanic
Involved Officer #5:	Kyle Gleeson, star# 3809, emp.# [REDACTED], DOA: October 31, 2012, Officer, 353, DOB: [REDACTED], 1989, Male, White
Involved Individual #1:	[REDACTED] DOB: [REDACTED], 1995, Female, Asian
Involved Individual #2:	[REDACTED] DOB: [REDACTED] 1994, Male, White
Involved Individual #3:	[REDACTED] DOB: [REDACTED], 1973, Male, Black
Case Type:	Excessive Force

I. ALLEGATIONS

Officer	Allegation	Finding
Sergeant Kevin Graves	1. It is alleged by ██████████ & ██████████ that on or about July 17, 2020, at approximately 8:00pm, at or near 1155 S. Columbus Drive, Sergeant Kevin Graves, star# 1736, committed misconduct through the following acts or omissions, by: dispersing OC spray without justification.	Exonerated
Sergeant Charles Rhein	1. It is alleged by ██████████ & ██████████ that on or about July 17, 2020, at approximately 8:00pm, at or near 1155 S. Columbus Drive, Sergeant Charles Rhein, star# 2164, committed misconduct through the following acts or omissions, by: dispersing OC spray without justification.	Exonerated
Officer William Murphy	1. It is alleged by ██████████ & ██████████ that on or about July 17, 2020, at approximately 8:00pm, at or near 1155 S. Columbus Drive, Officer William Murphy, star# 19214, committed misconduct through the following acts or omissions, by: dispersing OC spray without justification.	Exonerated
Officer David Stepney	1. It is alleged by ██████████ & ██████████ that on or about July 17, 2020, at approximately 8:00pm, at or near 1155 S. Columbus Drive, Officer David Stepney, star# 3141, committed misconduct through the following acts or omissions, by: dispersing OC spray without justification.	Exonerated
Officer Nicholas Linker	1. It is alleged by ██████████ & ██████████ that on or about July 17, 2020, at approximately 8:00pm, at or near 1155 S. Columbus Drive, Officer Nicholas Linker, star# 12858, committed misconduct through the following acts or omissions, by: dispersing OC spray without justification.	Exonerated
Officer Jessie Chavez	1. It is alleged by ██████████ & ██████████ that on or about July 17, 2020, at approximately 8:00pm, at or near 1155 S. Columbus Drive, Officer Jessie Chavez, star# 14182, committed misconduct through the following acts or omissions, by: dispersing OC spray without justification.	Exonerated

Officer Kyle Gleeson	1. It is alleged by ██████████ & ██████████ that on or about July 17, 2020, at approximately 8:00pm, at or near 1155 S. Columbus Drive, Officer Kyle Gleeson, star# 3809, committed misconduct through the following acts or omissions, by: dispersing OC spray without justification.	Exonerated
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II. SUMMARY OF EVIDENCE¹

On July 17, 2020, a Black indigenous solidarity rally took place in Grant Park. The rally started at the Buckingham Fountain and moved to the Columbus Statue, where a standoff occurred between police officers and protestors.² Some of the protestors attempted to take down the Columbus Statue with ropes, while others threw water bottles and fireworks at the police officers who were standing guard around the Statue.³ In the days following the protest, three civilians filed complaints with COPA, alleging they were pepper sprayed⁴ by members of the Chicago Police Department (CPD). On July 23, 2020, COPA interviewed complainant ██████████ regarding her encounter with the police.⁵ The following day, COPA interviewed complainant ██████████ regarding his encounter with the police.⁶ Finally, on December 7, 2020, COPA interviewed complainant ██████████ regarding his encounter with the police.⁷

According to ██████████ when she and other protestors linked arms in front of the police to protect the protestors who were trying to take down the Statue, a member of the SWAT team started spraying OC spray, first in the air and then directly at the protestors.⁸ ██████████ also submitted a short cellphone video to COPA which depicts a group of protestors, chanting and standing together in a line with their arms linked together, in front of a line of uniformed police officers.⁹ As the officers start to move towards the crowd, the protestors continue to stand with their arms linked together. A member of the SWAT team approaches from behind the uniformed officers and discharges OC spray in the air above the protesters as he orders them to move back.

According to ██████████ he was in the middle of the standoff between police and other protestors.¹⁰ ██████████ heard one announcement to disperse, after which officers started to discharge OC spray. The officers first discharged the spray in the air, then sprayed the OC spray directly at ██████████ face and all over his body.¹¹ ██████████ also submitted a short cellphone video which depicts

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

² Att. 1 in Log #2020-3319.

³ Att. 1 in Log #2020-3268.

⁴ Although the complainants referred to being “pepper sprayed,” the technical term is Oleoresin Capsicum (OC) spray.

⁵ Att. 1 in Log #2020-3268.

⁶ Att. 1 in Log #2020-3319.

⁷ Att. 1 in Log #2020-5262.

⁸ Att. 1 in Log #2020-3268.

⁹ Att. 5 in Log # 2020-3268.

¹⁰ Att. 1 in Log #2020-3319.

¹¹ Att. 1 in Log #2020-3319.

protestors standing in front of uniformed officers, who order the protestors to move. A member of the SWAT team approaches from behind the uniformed officers and starts discharging OC spray at the protestors as he orders them to move back.¹² According to ██████████ when he arrived at the Statue, he observed objects being thrown back and forth between officers and protestors.¹³ ██████████ ran to front of the line of protestors to attempt to de-escalate the situation. He observed OC spray being discharged over other protestors, and as he was attempting to shield the other protestors, he was sprayed himself.

COPA obtained Department reports (seven Tactical Response Reports (TRRs)¹⁴ and a SWAT supplementary report¹⁵) detailing the use of OC spray on July 17, 2020. According to the SWAT supplementary report (JD ██████████), a planned protest in Grant Park became a situation involving large-scale civil unrest, resulting in multiple calls of a 10-1¹⁶ at the location. Prior to the calls of a 10-1, Sergeant Kevin Graves was monitoring the radio and heard transmissions from units on the scene indicating that members of the crowd were changing into black-colored clothing, donning masks and eye protection, and equipping themselves with umbrellas and plastic tarps. Units on the scene stated they were surrounded by a crowd of more than seven hundred people, a large number of whom were violently attacking the officers. While en route to the location, Sergeant Graves monitored an additional OEMC radio dispatch from Superintendent David Brown authorizing the use of OC spray on the crowd.¹⁷

Eight members of the SWAT team, including Sergeant Graves, responded to the scene. While on scene, Commander Loughran #15 authorized the use of OC spray. The SWAT team also made contact with the on-scene incident commander, Commander Alderden #62, who again informed them OC deployment was authorized. Commander Alderden directed the SWAT team to the skirmish line between police and the protestors at the southwest sidewalk entrance to Grant Park, near the Columbus Statue. Commander Alderden indicated the direction he wanted the SWAT team to deploy the OC spray, and where he wanted the crowd to be dispersed to. When Sergeant Graves approached the skirmish line, he heard multiple Department members repeatedly ordering the protestors to disperse, but they did not comply. Sergeant Graves also observed several members of the crowd yelling obscenities and throwing objects at Department members, including rocks, bottles, pipes, sticks, bicycles, and explosive fireworks. Protestors had also tied several ropes around the Statue and were attempting to pull it down, causing the sergeant to fear the elevated statue might injure or kill someone if it toppled over.¹⁸

Members of the SWAT team moved the skirmish line and dispersed OC spray in response to the attacks on Department members. In total, seven members of the SWAT team dispersed nine canisters of MK-9 Stream OC Aerosol, two canisters of MK-46V Stream OC/CS Aerosol, and two ISpra tear gas grenades.¹⁹ At all times the team discharged OC spray, Sergeant Graves ensured the crowd had at least two avenues of escape to retreat from the munitions. He also noted no

¹² Att. 3 in Log #2020-3319.

¹³ Att. 1 in Log #2020-5262.

¹⁴ Atts. 6-12 in Log #2020-3319.

¹⁵ Att. 13 in Log #2020-3319.

¹⁶ A 10-1 is a radio call of an officer in need of emergency assistance.

¹⁷ Att. 4, pg. 12 in Log #2020-3319; *see also* Citywide 1 radio transmissions at 7:51pm.

¹⁸ Att. 13, pg. 2 in Log #2020-3319.

¹⁹ Att. 13, pgs. 2-3 in Log #2020-3319.

civilians appeared to be injured by the OC spray, although CFD paramedics were on scene as a precautionary measure. The use of the OC spray succeeded in moving the crowd out of Grant Park and prevented the toppling of the Statue. All of the SWAT team members who used OC spray also completed TRRs documenting their actions.

III. ANALYSIS AND CONCLUSION

General Order G03-02-05 sets forth the Department’s policies regarding the use of OC Spray and other chemical agents. The Order permits Department members to use personal OC devices against active or passive resisters who are a part of a noncompliant group or crowd, but only after receiving authorization from the Superintendent or his designee.²⁰ Authorization from the Superintendent or his designee is also required when members use “special weapons that dispense the Capsaicin II powder agent or larger volumes of chemical agents” against active and passive resisters who are part of “noncompliant groups, crowds, or an individual taking part in a group or crowd.”²¹

In this case, COPA finds all three complainants were passive resisters who were part of a noncompliant group of protesters near the Columbus Statue. The complainants alleged they were not doing anything illegal when they were sprayed, but they also acknowledged other protesters were throwing objects at officers and attempting to pull down the Statue. In fact, ██████ admitted she linked arms with other protesters in an attempt to protect the individuals who were attempting to vandalize the Statue. ██████ and ██████ were also part of the crowd, although they denied involvement in the attacks on police and the Statue. Videos submitted by both ██████ and ██████ captured officers ordering the protesters to move back, and the protesters failing to comply. ██████ also stated he heard an order to disperse before he was sprayed.

COPA finds there is clear and convincing evidence that at 7:51pm, the Superintendent authorized the use of OC spray against the crowd at the Statue. Additionally, two commanders on scene repeated the authorization to the members of the SWAT team. COPA’s investigation determined the SWAT team members’ use of OC spray complied with the General Order, and each member of the team properly documented their actions. As such, COPA finds the actions of all members involved are justified, and the allegation against them is **exonerated**.

Approved:

████████████████████

6/18/2021

Matthew Haynam
Deputy Chief Administrator – Chief Investigator

Date

²⁰ General Order G03-02-05(II)(C)(3), Oleoresin Capsicum (OC) Devices and Other Chemical Agent Use Incidents (effective February 29, 2020 – April 15, 2021).

²¹ *Id.* at (II)(C)(4).

Appendix A

Assigned Investigative Staff

Squad#:	6
Investigator:	Chenese Brown
Supervising Investigator:	Steffany Hreno
Deputy Chief Administrator:	Matthew Haynam