

SUMMARY REPORT OF INVESTIGATION

I. EXECUTIVE SUMMARY

Date of Incident:	June 13, 2019
Time of Incident:	2:30 pm
Location of Incident:	700 S. Sacramento
Date of COPA Notification:	June 14, 2019
Time of COPA Notification:	2:51 pm

On June 13, 2019, at approximately 2:30 pm, [REDACTED] was involved in a traffic accident with [REDACTED] on or about 700 S. Sacramento. Officers Ciach and Ridgner were in traffic when they observed the accident. The in-car camera video of the officers' squad car captured [REDACTED] vehicle speeding in traffic and when it struck the rear of [REDACTED] vehicle. Officers Ciach and Ridgner stopped to check the well-being of the two motorists and instructed them to go to the nearest police station to complete a traffic crash report. [REDACTED] refused to comply and refused to exchange information with [REDACTED] Officer Ciach fearing that [REDACTED] was going to leave the scene of a traffic accident, handcuffed [REDACTED] and had Officer Ridgner transport him to the station.

During the handcuffing procedure, [REDACTED] resisted Officer Ciach as [REDACTED] pulled away from Officer Ciach and refused to allow Officer Ciach to handcuff him. Officer Ciach used several handcuffing techniques including grabbing [REDACTED] hand and pushing his body against the car to gain control of [REDACTED] refusal and actions. Officer Ciach stated that [REDACTED] became an active resister and placed their safety in jeopardy as they were standing on the street near oncoming traffic. Additionally, COPA obtained a statement from [REDACTED] who alleged that [REDACTED] refused to exit his vehicle, refused to provide her with his information and refused to go to the police station when told to do so. Further, [REDACTED] stated that [REDACTED] resisted the officers and struggled briefly with Officer Ciach.

II. INVOLVED PARTIES

Involved Officer #1:	Daniel Ciach #13590, Employee ID# [REDACTED], Date of Appointment: February 26, 2016, PO, Unit 011, DOB: [REDACTED], 1980, Male, White
Involved Officer #2:	Jonathan K. Ridgner, #5144, Employee ID# [REDACTED], Date of Appointment: June 25, 2018, PO, Unit 011, DOB: [REDACTED] [REDACTED] 1989, Male, Black
Involved Individual #1:	[REDACTED] DOB: [REDACTED], 1948, Male, Hispanic

III. ALLEGATIONS

Officer	Allegation	Finding / Recommendation
Officer Daniel Ciach	1. Stopped and detained [REDACTED] without justification.	Exonerated
	2. Grabbed [REDACTED] hand, without justification.	Exonerated
	3. Twisted [REDACTED] hand, without justification.	Unfounded
	4. Pushed [REDACTED] against the vehicle, without justification.	Exonerated
	5. Handcuffed [REDACTED] too tightly, without justification.	Unfounded
	6. Violated Special Order 03-14, failure to activate your body worn camera.	Exonerated
Officer Jonathan K. Ridgner	1. Violated Special Order 03-14, failure to activate your body worn camera.	Exonerated

IV. APPLICABLE RULES AND LAWS

Rules

1. Rule 6 - Disobedience of an order or directive, whether written or oral.
2. Rule 8 - Disrespect to or maltreatment of any person, while on or off duty.

General Orders

1. GO 03-02-01 – Force Options (effective date October 16, 2017) and updated version (effective date February 29, 2020).

Special Orders

1. SO 03-14- Body Worn Cameras (effective date April 30, 2018)

I. INVESTIGATION¹

a. Interviews

In his statement to COPA on June 14, 2019, ██████████, stated that he was driving on Sacramento and observed a female motorist (now identified as ██████████) driving next to him in traffic. ██████████ was attempting to cut him off, but he did not allow her to do so. He said as traffic merged near the viaduct on Sacramento and Taylor, ██████████ accelerated in front of his vehicle and cut him off. She made an obscene gesture towards him and braked suddenly. ██████████ said ██████████ exited her vehicle and accused him of hitting her vehicle, in which he denies. Two uniformed officers arrived at the scene (now identified as Officer Ciach and Officer Ridgner). ██████████ said when he exited his vehicle to tell his side of the story, Officer Ciach told him to be quiet and get back in his car. He complied but then exited his vehicle with his cellular phone in hand. Officer Ciach snatched the phone from his hand, placed it on top of his vehicle and yelled at ██████████

██████████ got back into his vehicle and exited again. He said Officer Ciach grabbed his wrist in a rough manner, pushed him against his vehicle, handcuffed him and placed him in the squad car. ██████████ said he was transported to the police station. ██████████ stated that he never complained to either officer that the handcuffs were tight, and he denied resisting Officer Ciach. ██████████ said the handcuffs was removed prior to walking inside the police station. Once inside, he saw ██████████. He heard Officer Ciach tell the desk officer to add him to the report as a witness to the accident. ██████████ stated he was handcuffed for approximately 20 minutes. He said he had soreness and redness to his wrist but did not seek medical treatment. ██████████ did not have any complaints against Officer Ridgner. ██████████ said he did not complain about the treatment by Officer Ciach, or the handcuffs secured to his wrist tightly, to any personnel including the desk officer.

In her statement to COPA on August 30, 2019, ██████████, stated she was driving on Sacramento when she observed a male Hispanic motorist now identified as ██████████. She said ██████████ was driving close to her in a fast manner and almost struck her vehicle when he passed her in traffic. However, during a traffic merger, she passed ██████████ and was positioned in front of his vehicle. She said ██████████ appeared upset and began to close the distance between them. As traffic slowed down, she decreased her speed, at which time ██████████ struck the back of her vehicle. ██████████ said she exited her vehicle and yelled at ██████████ and he refused to exit his vehicle. She said there was no major damage done, but ██████████ refused to exchange driver's information with her. Shortly thereafter, two uniformed officers now identified as Officers Ciach and Ridgner, arrived at the scene.

The white officer (Officer Ciach) informed her that he had witness the accident and instructed her and ██████████ to exchange information and go to the police station to complete a traffic report. ██████████ said ██████████ refused to lower the driver's side window of his vehicle and comply with the officer's directions to go to the police station. She observed Officer Ciach open

¹ COPA conducted a full and complete investigation of this matter, including the interview of all pertinent civilians and officers, and the collection and review of digital and documentary evidence.

² Att. 19.

³ Att. 25.

████████ driver side door to talk to him. ██████ exited his vehicle and refused to follow instructions given by Officer Ciach and refused to go to the station. Officer Ciach attempted to grab ██████ arm, but ██████ pulled away and resisted being handcuffed. After ██████ was finally handcuffed, ██████ was told to go to the police station to complete a traffic report. The officers took ██████ and his vehicle. ██████ stated she did not observe maltreatment of ██████ by officers, nor did she hear ██████ complain of being mistreated or injured.

In his statement to COPA on December 7, 2020, **Officer Jonathan K. Ridgner**⁴ stated on June 13, 2019, he was a Probationary Police Officer and was not sure if he was assigned to a body worn camera. However, if he was, he could not recall if the BWC was activated. Officer Ridgner stated a similar account as Officer Ciach regarding the details of the incident.

Officer Ridgner did not have much verbal or physical contact with ██████ other than to inform ██████ to go to the station, and that he was at fault regarding the accident. Officer Ridgner briefly assisted Officer Ciach in holding ██████ when he resisted Officer Ciach. Officer Ridgner further stated that because this was an on-view traffic accident, he did not realize at the time that he had failed to activate his BWC, which he normally activates when assigned to a job. Officer Ridgner denied that Officer Ciach used excessive force towards ██████ and explained that the only force used was to handcuff and control ██████ who was resisting being handcuffed.

In his statement to COPA on December 7, 2020, **Officer Daniel Ciach**⁵ while working with Officer Ridgner witnessed a motorist avoiding traffic by going in front of other vehicles and driving in the right lane. He said at one point, the motorist failed to properly stop at a stop sign and continued driving fast in traffic. Officer Ciach observed the same motorist now identified as ██████ attempting to cut off another vehicle (now identified as ██████ in traffic, then strike the rear of ██████ vehicle. Officer Ciach said he approached the vehicles to assess the motorists' well-being. He approached ██████ vehicle first and asked him why he was driving so fast and not wearing a seatbelt. He also advised ██████ that he failed to properly stop at a stop sign. Officer Ciach said that ██████ denied striking ██████ vehicle and refused to go to the station, even after he explained to him that he witnessed how he drove in traffic and strike the rear of ██████ vehicle.

Officer Ciach stated that he grabbed ██████ hand to handcuff him when he refused to follow verbal commands and go to the station. Officer Ciach denied twisting ██████ hand. He said he placed ██████ arm and hand behind him to handcuff him. Officer Ciach said that he did place ██████ against his vehicle lightly and not in an excessive manner as alleged, due to ██████ pulling and pushing back with his body while they stood closely to oncoming traffic, and to avoid falling onto the street or getting hit by a car.

Officer Ciach described ██████ as on the heavier side and strong. Officer Ciach denied using excessive force to gain control of ██████ during the handcuffing. Officer Ciach explained that he used simple holding techniques to control and handcuff ██████

b. Digital Evidence

⁴ Att. 44.

⁵ Att. 40.

The **In-Car Camera (ICC) video**⁶ of Beat 1121 was obtained, and it captured a light grey sedan (now identified as [REDACTED] vehicle) and a darker grey SUV ([REDACTED] vehicle) pass in front of Officer's Ciach and Ridgner as they waited to merge in traffic. The ICC video captured [REDACTED] vehicle traveling at a faster paced than other vehicles, going around all the other vehicles in traffic and changing lanes to the right. The ICC captured [REDACTED] not making a complete stop at the stop sign. The officers followed [REDACTED] vehicle, and the ICC captured what appeared to be [REDACTED] trying to cut off [REDACTED] vehicle during a merger near the under pass (viaduct). Both vehicles suddenly stopped while under the viaduct. At 1:05 minutes of the ICC, a black female (now [REDACTED]) exited the sedan, approached the SUV, and began yelling at [REDACTED]. The officers stopped and exited their squad car.

Officer Ciach approached [REDACTED] vehicle, and he can be heard asking [REDACTED] why he was driving so fast and where was his seatbelt⁷. Officer Ridgner approached [REDACTED] and she told him that [REDACTED] kept coming up close to her vehicle in traffic. At 1:50 minutes in the ICC, Officer Ciach told [REDACTED] that he saw him driving fast, cutting off other vehicles in traffic as he exited the lane in traffic and moved to the right. Officer Ciach also mentioned to [REDACTED] that he did not make a proper stop at the stop sign. Officer Ciach continued to tell [REDACTED] that he saw the accident and asked him for his driver's license. Officer Ciach instructed [REDACTED] and [REDACTED] to go to the station to file a traffic report.

The ICC video did not capture [REDACTED] responses to Officer Ciach because he was inside his vehicle. Officer Ciach was heard explaining to [REDACTED] the reasons why he had to go to the station and that he was at fault.⁸ [REDACTED] then exits his vehicle and looked at [REDACTED] vehicle. He argued with the officers that he did not cause the damage on [REDACTED] vehicle. The ICC captured Officer Ridgner talking to [REDACTED] then enter the squad car to check [REDACTED] license. He told [REDACTED] that they were not going to argue with him because the accident was his fault and reiterated that they saw the accident. Officers Ridgner and Ciach is heard instructing [REDACTED] and [REDACTED] to go to the police station again, at which time [REDACTED] refused and stated that he did not do anything.

At 6:11 minutes of the ICC, Officer Ciach grabbed [REDACTED] hand to handcuff him and [REDACTED] resisted by pulling and turning around. Officer Ciach told [REDACTED] to stay still and not to move, but [REDACTED] failed to comply. [REDACTED] is observed pulling his arm, moving back, and not allowing Officer Ciach to handcuff him. Officer Ciach placed [REDACTED] against the vehicle to gain control. Traffic is observed passing next to Officer Ciach and [REDACTED] while they are on the street. [REDACTED] continued to move back and pulled his arm away from Officer Ciach to avoid being handcuff. Officer Ciach pushed [REDACTED] down on the hood of the vehicle a couple of times, as he ordered [REDACTED] to stop moving.⁹ [REDACTED] continued with his actions and then Officer Ridgner assisted. Officer Ciach handcuffed [REDACTED] and placed him in the squad car. Before the

⁶ Att. 24.

⁷ At 1:30 minutes, the ICC captured PO Ciach telling [REDACTED] that he saw him driving fast, avoiding being in traffic by driving on the right side, going rapidly in front of other vehicles, and not stopping at the stop sign.

⁸ At 4:37 minutes and again at 5:40 minutes, Officer Ciach told [REDACTED] to go to the station to complete a report and hand gestures were captured as he pointed in the direction of the police station. Officer Ciach told [REDACTED] he had to go to the station because he struck [REDACTED] vehicle, he saw it and there was some damage to her vehicle. [REDACTED] pleaded with the officers and argued that he did not do anything.

⁹ At 6:11 minutes the interaction between Officer Ciach and [REDACTED] was captured.

officers left the scene, ██████ asked Officer Ridgner about his cellular phone, in which the ICC showed that it was on the front hood of the vehicle. Officer Ridgner retrieved the phone and gave it to Officer Ciach who drove ██████ vehicle to the station.

The ICC video captured ██████ clearly speaking in English and understanding the officers as they were talking to him throughout the incident. The ICC did not capture ██████ complaining that he did not speak or understand English nor that he wanted a translator. The ICC did not capture ██████ complaining of handcuffs too tight or of any maltreatment.

The **Body Worn Camera (BWC)**¹⁰ of Officer Ciach shows at the moment he arrives at the station and began removing the handcuffs off ██████. The BWC continues with Officer Ciach instructing ██████ to go to his vehicle and retrieve his driver's license and insurance. Officer Ciach escorted ██████ to his vehicle, then inside the police station where ██████ was already waiting. Once inside the station, Officer Ciach told the desk officer that he and Officer Ridgner were witnesses to a traffic accident caused by ██████. Officer Ciach explained that he brought ██████ to the station because ██████ refused to come on his own. Officer Ciach told the desk officer that ██████ took about five vehicles on the right side, and during a merger, he struck the rear of ██████ vehicle. Officer Ciach is seen explaining to ██████ that he needs to comply with officers when he is given orders to avoid being handcuffed.

c. Physical Evidence

Photographs¹¹ provided by ██████ did not depict any marks or discoloration to his wrists or hands.

d. Documentary Evidence

The **Traffic Crash Report**¹² documented that ██████ struck the rear of ██████ vehicle when merging in traffic. Officer Ciach was identified in the report as a witness to the accident.

II. LEGAL STANDARD

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

¹⁰ 23.

¹¹ Att. 45.

¹² Att. 9

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 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.

III. ANALYSIS

The Chicago Police Department seeks to gain the voluntary compliance of subjects, when consistent with personal safety, to eliminate the need to use force or reduce the force that is needed.¹³ G03-02-01, II(C) authorizes Department members to use force necessary to overcome resistance. Additionally, Section II (F)(2) requires Department members to determine the necessary force based in part on the "totality of the circumstances." Further, Section IV(B)(2), in part, defines a passive resister as one who does not comply with verbal commands or directions.¹⁴ An officer may use holding techniques (such as grabbing a hand or arm) when the person they are encountering is uncooperative at a level of at least a passive resister.¹⁵ When an officer encounters an active resister, in addition to holding techniques, an officer may use stunning techniques, such as stunning and open-hand push to decrease resistance and increase control. An active resister includes a person who attempts to create distance from an officer's reach with the intent to avoid physical control by his own actions.¹⁶

1. Officer Ciach

COPA finds that **Allegation #1 as Exonerated**. COPA determined that Officer Ciach was within Department policy when he stopped and detained ██████████ who was driving negligently and struck another vehicle, then refused to report the accident by going to the police station as instructed and exchanging driver's information. Therefore, COPA finds this allegation to be Exonerated.

¹³ General Order 03-02-01(II)(B)

¹⁴ G03-02-01 (IV)(B)(1)

¹⁵ G03-02-02 (IV)(B)(1)(a)

¹⁶ G03-02-01 (IV)(B)(2)

COPA finds that **Allegation #2 as Exonerated**. An officer may use holding techniques (such as grabbing a hand) when the person they are encountering is uncooperative at a level of at least a passive resister. A passive resister is one who does not comply with verbal commands or directions.¹⁷ Officer Ridgner and ██████ stated a similar account, and the ICC shows ██████ pulling back. Therefore, COPA finds this allegation to be Exonerated.

COPA finds that **Allegation #3 as Unfounded**. The ICC footage captured Officer Ciach holding and placing ██████ hand behind him and ██████ pulling away. Therefore, COPA finds this allegation to be Unfounded.

COPA finds that **Allegation #4 as Exonerated**. When an officer encounters an active resister, in addition to holding techniques, an officer may use stunning techniques, such as stunning and open-hand push to decrease resistance and increase control.¹⁸ An active resister includes a person who attempts to create distance from an officer's reach with the intent to avoid physical control by his own actions. Here, Officer Ciach's pushing of ██████ against the vehicle was a stunning technique necessary to gain control of ██████ who became an active resister. ██████ is seen pulling away from Officer Ciach and pushing back with his body. COPA determined that Officer Ciach's actions were within policy and that he used a low level of force against ██████ which was necessary to protect them both from falling into the traffic. Therefore, COPA finds this allegation to be Exonerated.

COPA finds that **Allegation #5 as Unfounded**. There is no objective verifiable evidence to support the handcuffs placed on ██████ was too tight. By his own admission, ██████ did not tell any of the two officers that the handcuffs were tight or that he was suffering from any pain. ██████ took photographs of his wrists and hands, which do not appear to show any marks, swelling or discoloration to these areas. Therefore, COPA finds this allegation to be Unfounded.

COPA finds that **Allegation #6 as Exonerated**. The Department member will activate the system to event mode at the beginning of the incident and will record the entire incident for all law-enforcement-related activities. If circumstances prevent the member from activating the BWC at the beginning of the incident, the member will activate the BWC as soon as practical.¹⁹ Officer Ciach admitted that his BWC did not record the entire incident, however he explained that he believed he had pressed the activation button of the BWC upon exiting his vehicle and approaching ██████. Officer Ciach stated that when he realized that the BWC was not activated, he immediately activated the BWC, which recorded the end of his interaction with ██████ while at the police station. Therefore, COPA recommends that this allegation be closed Exonerated.

2. Officer Ridgner

COPA finds **Allegation #1 as Exonerated**. Officer Ridgner was a Probationary Officer and was not sure if he was assigned a BWC. He believed that if he was issued one, he would have activated it. But, if he had failed to activate it, he believes that because he and Officer Ciach

¹⁷ G03-02-0, Section IV(B)(1)

¹⁸ General Order 03-02-01, IV(B)(2)

¹⁹ Special Order 03-14 – Body Worn Camera, Section III (A)(2).

witnessed [REDACTED] traffic accident, he did not anticipate the [REDACTED] resistance to exchange driver’s information and go to the station to file a traffic crash report that is required.

Although Department members are required to activate their BWC “at the beginning of” or “as soon as practical” for “calls for service; investigatory stops; ... arrest; use of force incidents; ... and any other encounter with the police that becomes adversarial after the initial contact ...” Here, COPA learned that Officer Ridgner was equipped with a BWC, and that he failed to activate it due to the unforeseen circumstances. Therefore, COPA recommends that this allegation is closed a finding of Exonerated.

IV. CONCLUSION

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

Officer	Allegation	Finding / Recommendation
Officer Daniel Ciach	1. Stopped and detained [REDACTED] without justification.	Exonerated
	2. Grabbed [REDACTED] hand, without justification.	Exonerated
	3. Twisted [REDACTED] hand, without justification.	Unfounded
	4. Pushed [REDACTED] against the vehicle, without justification.	Exonerated
	5. Handcuffed [REDACTED] too tightly, without justification.	Unfounded
	6. Violated Special Order 03-14, failure to activate your body worn camera.	Exonerated
Officer Jonathan K. Ridgner	1. Violated Special Order 03-14, failure to activate your body worn camera.	Exonerated

Approved:

[REDACTED Signature]

Angela Hearts-Glass
Deputy Chief Investigator

10-26-2021

Date

Appendix A

Assigned Investigative Staff

Squad#:	11
Investigator:	Maira Webb
Supervising Investigator:	Valiza Nash
Deputy Chief Administrator:	Angela Hearts-Glass
*Attorney:	