

**SUMMARY REPORT OF INVESTIGATION**

**I. EXECUTIVE SUMMARY**

Date / time of Incident:	January 7, 2019, approximately 10:55 a.m.
Location of Incident:	400 N. Lower Michigan Avenue, Chicago, Illinois
Date / time of COPA Notification:	January 21, 2019, 2:22 p.m.

An individual complained that a CPD officer used excessive force in effecting her arrest, alleging that the officer attempted to forcibly remove her from the driver’s seat of a motor vehicle while she was seat-belted. COPA has reviewed body-worn camera footage depicting the arrest and has determined that the officer’s conduct was lawful and proper.

**II. INVOLVED PARTIES**

Involved Officer:	Robert M. Dolezil, Star #13817, Employee ID# [REDACTED]; Date of Appointment: August 31, 2012; Rank: Police Officer; Unit of Assignment: 018, DOB: [REDACTED], 1986; M/WWH
Involved Individual:	[REDACTED] DOB: [REDACTED], 1990, F/B

**III. ALLEGATIONS**

Officer	Allegation	Finding
Officer Dolezil	1. On January 7, 2019, at approximately 10:55 a.m., at or near 400 N. Lower Michigan Avenue, Chicago, Illinois, the accused used excessive force in effecting the complainant’s arrest in that he attempted to forcibly remove the individual from the driver’s seat of a motor vehicle while the complainant was seat-belted in violation of Rules 1, 6 and 8 of the CPD Rules of Conduct.	EXONERATED

**IV. APPLICABLE RULES AND LAWS**

Rules
<ol style="list-style-type: none"> <li>1. Rule 1, CPD Rules of Conduct (prohibiting legal violations)</li> <li>2. Rule 6, CPD Rules of Conduct (prohibiting disobedience of CPD directives)</li> <li>3. Rule 8, CPD Rules of Conduct (prohibiting maltreatment)</li> </ol>

---

**General Orders**

---

1. G03-02 *Use of Force* (effective date: October 16, 2017)
  2. G03-02-01 *Force Options* (effective date: October 16, 2017)
- 

**Federal Laws**

---

1. U. S. Constitution, Fourth Amendment
- 

**State Laws**

---

1. 720 ILCS 5/7-5

**V. INVESTIGATION<sup>1</sup>****a. Interviews**

The Complainant, ██████████ gave an **Audio/Video Recorded Interview** on February 6, 2019.<sup>2</sup> ██████████ then complained about her January 7, 2019 arrest at near 400 N. Lower Michigan Avenue in Chicago, Illinois. In non-verbatim summary and in pertinent part, ██████████ then related that an arresting officer used excessive force in effecting that arrest, in that the arresting officer attempted to forcibly remove her from the driver's seat of a stopped motor vehicle while she was seat-belted.<sup>3</sup>

**b. Digital Evidence**

COPA reviewed **Body-worn Camera Footage** captured by CPD officers at the arrest scene.<sup>4</sup> The following is a summary of the material things depicted by that footage.

Officer Dolezil approaches the driver's side of a stopped silver-colored sedan on January 7, 2019 at approximately 10:55 p.m. The driver's window of that vehicle is closed as Officer Dolezil approaches. ██████████ is in the driver's seat of the vehicle; she lowers the driver's window with her left arm as she raises her right hand. Officer Dolezil instructs her to remove the vehicle's keys, and ██████████ complies. A male passenger opens the passenger door and flees on foot, with Officer Dolezil's partner in pursuit. As the passenger begins to flee, Officer Dolezil opens the

---

<sup>1</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>2</sup> Attachment #13 is an audio recording of that interview. ██████████ had previously submitted a web complaint; Attachment #8 is a copy.

<sup>3</sup> ██████████ also complained that CPD personnel did not return to her certain hair rollers that she was wearing at the time of her arrest when she released from custody and that the CPD did not provide her with a copy of an inventory report at the time of her release from custody. ██████████ acknowledged that CPD personnel subsequently provided her with a copy of that inventory report at her request when she presented herself at the 018<sup>th</sup> District Station to make the complaint which has led to this investigation. In her interview, ██████████ also complained that a CPD sergeant was then reluctant to take a complaint from her, but ██████████ acknowledged that the sergeant did, in fact, take and record a complaint from her. See Attachment #2, which is a copy of an Initiation Report submitted by that CPD sergeant documenting his action in taking and recording that complaint.

<sup>4</sup> Attachment #18.

driver's door. [REDACTED] then reaches out toward Officer Dolezil with her left arm. Officer Dolezil then takes hold of [REDACTED] left arm with his right hand, and he orders [REDACTED] to get out of the car. Officer Dolezil's partner and other CPD officers on the scene then quickly apprehend the passenger. [REDACTED] then says, "Can I get out of the seatbelt? I'm in a seatbelt sir." In response, Officer Dolezil tells her to remove her seatbelt while still holding [REDACTED] arm. Officer Dolezil then releases [REDACTED]'s arm, allowing her to remove a shoulder harness. [REDACTED] then steps out of the vehicle under her own power. Officer Dolezil then again takes hold of [REDACTED] left arm as she faces him. Officer Dolezil then instructs [REDACTED] to turn around, and [REDACTED] does so. Officer Dolezil releases [REDACTED] left arm as she turns around, and he takes hold of [REDACTED] right arm when her back is to him. A female officer then handcuffs [REDACTED] without incident.

The footage shows that Officer Dolezil initially held [REDACTED] left arm for approximately five seconds. The footage also shows that approximately twenty seconds elapsed between the moment that Officer Dolezil first took hold of [REDACTED] arm and the moment that the female officer began to place [REDACTED] in handcuffs.

### c. Documentary Evidence

In the **Original Incident Case Report** relating to the incident that led to arrest at issue,<sup>5</sup> Officer Dolezil wrote that he and his partner stopped the vehicle driven by [REDACTED] because they had heard a radio message describing a person with a gun who had entered silver-colored Malibu traveling east bound on Hubbard Street.

An **Event Query Report** relating to the incident<sup>6</sup> confirms that officers made a number of radio broadcasts in the minutes immediately preceding the arrest at issue, then describing a man believed to be armed with a gun in a silver-colored Malibu traveling east bound on Hubbard Street.

## VI. 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
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.

---

<sup>5</sup>Attachment #3.

<sup>6</sup>Attachment #17.

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.<sup>7</sup> 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.<sup>8</sup> 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.”<sup>9</sup>

## VII. ANALYSIS

COPA has determined that the evidence clearly and convincingly shows that Officer Dolezil’s use of force in effecting ██████████’s arrest was lawful and proper.

In making that determination, COPA has applied pertinent principles derived from the U. S. Constitution, Illinois law, and CPD directives. The U. S. Constitution provides the rule that an officer’s use of force in effecting an arrest must be “objectively reasonable.”<sup>10</sup> Determining whether a given use of force was “objectively reasonable” for constitutional purposes requires consideration of the totality of the circumstances, including the severity of the crime that the arrestee was suspected of committing, whether the arrestee posed an immediate threat to the officer’s safety or the safety of others, and whether the arrestee was actively resisting arrest or attempting to evade arrest by flight.<sup>11</sup> The applicable rule of Illinois law is that a police officer “is justified in the use of any [non-deadly] force which he reasonably believes to be necessary to effect the arrest and of any force which he reasonably believes to be necessary to defend himself or another from bodily harm while making the arrest.”<sup>12</sup> The applicable CPD directive provides that officers “may only use force that is objectively reasonable, necessary, and proportional in order to ensure the safety of a member or third person, stop an attack, make an arrest, control a subject, or prevent escape.”<sup>13</sup> A companion directive also expressly authorizes officers to use holding techniques such as arm-grabbing in dealing with uncooperative arrestees.<sup>14</sup> The evidence shows that moments before effecting the arrest at issue, Officer Dolezil and his partner had curbed ██████████’s vehicle because they had heard radio broadcasts of a man armed with a gun in a similarly looking car. The evidence also shows that ██████████ reached toward Officer Dolezil as a male passenger began to flee from that car, and that Officer Dolezil grabbed her arm in response. The evidence also shows that Officer Dolezil continued to hold ██████████’s arm for approximately five seconds, and that he released that arm after ██████████ told him that she was seat-belted. Under the circumstances,

---

<sup>7</sup> 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).

<sup>8</sup> See, e.g., *People v. Coan*, 2016 IL App (2d) 151036 (2016).

<sup>9</sup> *Id.* at ¶ 28.

<sup>10</sup> *Graham v. Connor*, 490 U.S. 386, 388 (1989).

<sup>11</sup> *Id.*, 490 U.S. at 396.

<sup>12</sup> 720 ILCS 5/7-5.

<sup>13</sup> CPD General Order G03-02 *Use of Force* (effective date: October 16, 2017), Section III.B.

<sup>14</sup> CPD General Order G03-02-01 *Force Options* (effective date: October 16, 2017), Section VI.B.1(a).

Officer Dolezil’s use of force was objectively reasonable, proportional, and reasonably deemed to be necessary to ensure officer safety, to control [REDACTED] or to prevent her escape.

Officer Dolezil is therefore **EXONERATED**.

**VIII. CONCLUSION**

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

Officer	Allegation	Finding
Officer Dolezil	1. On January 7, 2019, at approximately 10:55 a.m., at or near 400 N. Lower Michigan Avenue, Chicago, Illinois, the accused used excessive force in effecting the complainant’s arrest in that he attempted to forcibly remove the individual from the driver’s seat of a motor vehicle while the complainant was seat-belted in violation of Rules 1, 6 and 8 of the CPD Rules of Conduct.	EXONERATED

Approved:



1/19/2021

\_\_\_\_\_  
 Matthew Haynam  
 Deputy Chief Administrator – Chief Investigator

\_\_\_\_\_  
 Date