

SUMMARY REPORT OF INVESTIGATION¹

Date/Time/Location of Incident:	July 6, 2019 / 7:50 PM / [REDACTED].
Date/Time of COPA Notification:	July 7, 2019 / 1:52 AM
Involved Officer #1:	Joseph Siska, star #6121, employee ID#[REDACTED], Date of Appointment June 04, 2007, rank Police Officer, Unit of Assignment 022, DOB [REDACTED]1983, gender Male, race White
Involved Individual #1:	[REDACTED], DOB [REDACTED], 1992, Female, Black
Involved Individual #2:	[REDACTED], DOB Unknown, Female, Black
Involved Individual #3:	[REDACTED], [REDACTED], 2004, Male, Black
Case Type:	Excessive Force

I. ALLEGATIONS

Officer	Allegation	Finding
Officer Joseph Siska	Using excessive force when he struck [REDACTED] [REDACTED], without justification.	Unfounded

II. SUMMARY OF EVIDENCE²

On July 7, 2019, COPA received an initiation report from the Chicago Police Department.³ The report documented, that on July 6, 2019, the reporting sergeant responded to a request for supervisor call at [REDACTED].⁴ The member was met at the residence by [REDACTED]
[REDACTED], who stated her daughter, [REDACTED] [REDACTED] (the complainant) was punched in the jaw by accused Officer Joseph Siska. [REDACTED] alleged she was struck in the left side of her jaw and struck the wall. She alleged she sustained injury and pain to the right side of her

¹ On September 15, 2017, the Civilian Office of Police Accountability (COPA) replaced the Independent Police Review Authority (IPRA) as the civilian oversight agency of the Chicago Police Department. Therefore, this investigation, which began under IPRA, was transferred to COPA on September 15, 2017, and the recommendation(s) set forth herein are the recommendation(s) of COPA.

²COPA 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, documentary, and forensic evidence. As part of COPA's ongoing efforts to increase case closure capacity, certain cases opened under IPRA are summarized more succinctly in a Modified Summary Report of Investigation, pursuant to COPA Guideline Modified Summary Report of Investigation Template and Approvals, effective February 13, 2019.

³ Attachment #9, Initiation 2019-2519.pdf.

⁴ CPD Sergeant Kevin Connors, Star #1182, 022nd District Tactical Team.

chest and the left side of her jaw. The Chicago Fire Department transported her to the hospital.⁵ Three offenders (juveniles) were placed into custody inside the above location for aggravated battery to police officers, obstructing a police officer, and mob action.⁶

On July 6, 2019, at approximately 7:50 p.m., members of CPD responded to a call to assist another unit for an on-view assault in progress. On scene members encountered a large disturbance. OEMC call alerted members that three black males were involved in the disturbance were leaving the scene with guns.⁷ Members observed [REDACTED] and attempted to stop him when he fled and entered [REDACTED].⁸

In the BWC video of Officer Siska, members force entry into the premises and observe [REDACTED] at the top of the stairs.⁹ Members enter the residence and observe [REDACTED] multiple juveniles and children in the residence.

Members of the family, including [REDACTED], opposed the members entry and search of the home without a warrant.¹⁰ An occupant attempts to explain to [REDACTED] that "if they [CPD] got him [REDACTED] inside the home they have all rights to search".¹¹ Members detained [REDACTED] inside the home, at the top of the flight of stairs, near the dimly lighted dining room. [REDACTED] was placed in custody and removed from the residence.¹² Officer Siska entered the home and conducted a search of the area where [REDACTED] was observed.

In the BWC videos, [REDACTED] and [REDACTED] are irate due to the members presence and actions in their home. The members are confronted by approximately 4-6 occupants. Members direct family members not to interfere as they moved further into the home and searched the interior areas.¹³ Occupants verbally and physically resist the members' directions.¹⁴ During the chaos, [REDACTED] repeatedly stated, "these are minors" and "these are juveniles".¹⁵ The juveniles walk back and forth into the area the members are searching. Members respond telling the juveniles to stop.

Officer Siska's BWC captured the confrontation as it develops and becomes volatile. The occupant's behavior appears threatening, and the members refuse to leave. Three to four occupants, standing within two to four feet from members are yelling, shoving and pulling away from members.¹⁶ Members announce that some of the juveniles will be arrested. Members attempt to hold a juvenile as he attempts to pull away.¹⁷ [REDACTED] stood between the members and the juveniles; faced the members and spread her arms blocking the members path to apprehend the

⁵ Ibid.

⁶ Att. #26, Arrest Reports, [REDACTED], [REDACTED]; [REDACTED], [REDACTED]; [REDACTED], [REDACTED].pdf.

⁷ Att. #8, Original Case Incident Report 2019-2519.pdf

⁸ Ibid.

⁹ BWC Attachment #34 PO Siska AXON_Body_2_Video_2019-07-06_1942.mp4 at 02:30.

¹⁰ Ibid.

¹¹ Ibid at 3:53.

¹² Ibid.

¹³ Ibid.

¹⁴ Ibid.

¹⁵ Ibid.

¹⁶ Ibid.

¹⁷ Ibid at 6:53.

resisters.¹⁸ The juveniles and members are embroiled in a struggle¹⁹. The members continue to give verbal direction and occupants appear to resist and assault members. The members react by applying holding techniques, using emergency takedowns and pressure strikes to control the subjects.

On the video, [REDACTED] is captured standing near a sergeant and caught in the struggle.²⁰ [REDACTED] can be seen with her head leaning backward and her mouth open.²¹ The BWC does not capture the moment [REDACTED] alleges Officer Siska used excessive force striking her. It is not apparent that the member strikes [REDACTED].

[REDACTED] is captured leaning on a male occupant and appears to be crying.²² [REDACTED] complained of pain to her head.²³ OEMC recorded: female was hit in the mouth and is having a hard time breathing & requested CPD and CFD; there after [REDACTED] was transported to the hospital.²⁴

COPA reviewed all available BWC videos.²⁵ No BWC video showed a female being struck in any manner by any member of CPD involved in this incident.

The Incident Report documented that during the struggle, Officer Siska was shoved twice by a juvenile while standing in proximity to multiple occupants.²⁶ During the struggle occupants were attempting to prevent the members from placing the juveniles into custody. Officer Siska reported he observed an occupant strike another member and responded to prevent further assault. He delivered a closed fist to the left side of the male offender's face to gain control and to stop the battery.

In the Tactical Response Report, [REDACTED] was interviewed.²⁷ He was asked what occurred during the arrest procedure and whether he was injured. He said his jaw hurt but he was "okay"²⁸. The arrestee was also asked if he was hit by any officers or if he hit anyone else and his reply was "there was lots of shoving, and he wasn't sure who did what". [REDACTED] was also arrested and interviewed. He reported no injury nor did the reporting Lieutenant observe injury.²⁹

In the Tactical Response Report, [REDACTED] was interviewed on scene. She alleged that Officer Siska struck her in the face causing tenderness and swelling to her face.

¹⁸ Att. #52, [REDACTED] standing between PO Siska and Juveniles Capture.JPG

¹⁹ Ibid at 07:00.

²⁰ Ibid.

²¹ Att. #48, [REDACTED] in the fight photo.JPG

²² Att. #34 PO Siska AXON_Body_2_Video_2019-07-06_1942.mp4.

²³ Att. #34.

²⁴ Att. 6, Event Query 1918716390 2019-2519.pdf.

²⁵ Att # 33 – 46, 53 and 54.

²⁶ Att. 8, Original Case Incident Report 2019-2519.pdf.

²⁷ Att. # 28 TRRs, [REDACTED], [REDACTED]; [REDACTED], [REDACTED]; [REDACTED], [REDACTED].pdf.

²⁸ Ibid. It was noted by Sgt. Connors of a slight injury to a lip...

²⁹ Ibid.

In [REDACTED]' COPA interview statement, she provided information related to the search of her home and the force used against [REDACTED].³⁰ She recalled that [REDACTED] attempted to move the young children out of the room. [REDACTED] contends, as the struggle ensued, several of the juvenile occupants were told they would be arrested. The struggle broke out when members tried to handcuff two of the occupants. [REDACTED] stated, "the member threw the first punch and tried to hit her youngest son but struck [REDACTED] in the face". The struggle continued and additional members entered the home. [REDACTED] did not observe the strike to [REDACTED] face.

COPA interviewed Officer Siska on July 29, 2022. After reviewing the video, he recalled the struggle and his action of using force against a male occupant. He recalled seeing multiple occupants assaulting members. He could not recall seeing [REDACTED] being hit but he did see that she was crying afterward. Officer Siska stated that after the incident, [REDACTED] received assistance from CFD, and other occupants pointed at him stating he had "done it".

COPA investigated the records related to this incident, including, but not limited to the Office of Emergency Management Communications (OEMC) Event Query³¹; CPD Initiation Report³², Original Case Incident Report³³, Case Supplementary Report³⁴, Tactical Response Report³⁵, Arrest Report³⁶ and Body Worn Camera Videos³⁷.

COPA reviewed third-party photos of [REDACTED] alleged injuries³⁸. Mullins submitted photos of the alleged injuries; she did not submit further evidence. The videos do not support the allegations made by [REDACTED].

COPA made multiple attempts without success to contact and obtain the cooperation and statement of [REDACTED] from July 8, 2019, through May 11, 2021.

III. ANALYSIS AND CONCLUSION

COPA finds that this allegation of excessive force is Not Sustained. Based on the investigation of the complainant, COPA has determined there is insufficient evidence to prove the allegation by a preponderance of the evidence.

The underlying facts of this case are straightforward – [REDACTED] sought to obstruct official police action in the residence when members sought to detain and arrest occupants. Members chased the suspect justifying the warrantless search under the exception to the constitutional protections of the fourth amendment. Under the CPD Force Model, members are authorized to use a proportional response to the subject's actions.³⁹

³⁰ Att. #12, ([REDACTED]) Witness interview 2019-2519.mp4.

³¹ Att. 6, EventQuery 1918716390 2019-2519.pdf.

³² Att. #9, Initiation 2019-2519.pdf.

³³ Att. #8, Original Case Incident Report 2019-2519.pdf.

³⁴ Att. #7, Case Supplementary Report 2019-2519.pdf.

³⁵ Att. 28, TRRs, [REDACTED].pdf.

³⁶ Att. #26, Arrest Reports, [REDACTED].pdf.

³⁷ Att. #30, 33-46, and 53-54.

³⁸ Att. #18-23.

³⁹ General Order G03-02-01 Force Options. Effective date: 29 February 2020.

The fourth amendment of the United States Constitution⁴⁰ and the Illinois Constitution protect individuals from unreasonable searches and seizures⁴¹. Hot pursuit is an exigent circumstance, applicable when the police are pursuing a suspected felon into private premises or have probable cause to believe that a crime has been committed on private premises. Members of CPD had a reasonable belief that evidence of the crime as reported by OEMC was inside the residence.

Department members are permitted to use force. Members may only use force that is objectively reasonable, necessary, and proportional, under the totality of the circumstances, in order to ensure the safety of a member or third person, stop an attack, make an arrest, control a subject, or prevent escape.⁴²

Officer Siska documented and provided information related to throwing one closed hand strike to the offender's left side of the face to gain control. He described the person as an African American male wearing a long sleeve dark shirt. He described being pushed twice, responding after he witnessed the assault on the sergeant and the occupants attempt to pull him to the floor.

CPD documented [REDACTED] stated his jaw was injured. This supports Officer Siska's statement that he responded by using force to combat the force and actions of some of the occupants. Noted is Officer Siska's report that he hit the assailant (juvenile) to protect other members involved in the fast-moving assault during the attempt to effectuate the arrest.

A person who attempts to create distance between himself or herself and the member's reach with the intent to avoid physical control and/or defeat the arrest is an active resister.⁴³ A person who knowingly resists or obstructs the performance by one known to the person to be a peace officer commits a Class A misdemeanor.⁴⁴ Members gave orders to the occupants that would allow them to search for the suspected weapon and apprehend the attackers inside the home.

It appeared the complainant placed herself between members and occupants to prevent either the struggle or arrest. [REDACTED] is caught inside the struggle and is unable or unwilling to remove herself as the fight ensued, which ultimately led to her alleged sustained injuries.

While [REDACTED] was not arrested, she willfully obstructed, delayed and resisted the police when she tried to stop authorities from executing the search and seizure. [REDACTED] did not comply with members verbal commands to move out of the way and not interfere.

In her COPA interview statement, [REDACTED] contends she witnessed a member strike [REDACTED] without justification. Contrary to [REDACTED] statement is the BWC video capture of [REDACTED] standing between officers and the juveniles prohibiting members from effectuating an arrest. Neither of the

⁴⁰ U.S. Const., amend. IV. The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no warrants shall issue but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.

⁴¹ Ill. Const. 1970, art. I, § 6.

⁴² General Order G03-02 (B) Effective date: 29 February 2020.

⁴³ General Order G03-02-01 Force Options. Effective date: 29 February 2020.

⁴⁴ 72 ILCS 5.0/31-1-A Resisting/obstructing a police officer.

20+ videos capture [REDACTED] contemporaneous statement mentioning the injuries her [REDACTED] sustained during the struggle.

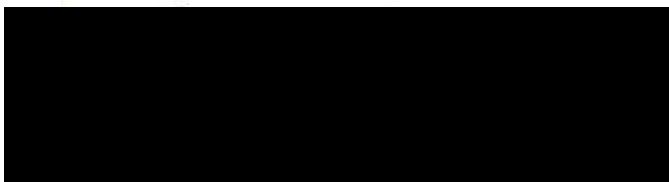
[REDACTED] knowingly obstructs the member's performance of his duties by blocking the members from gaining control of the assailants. The member's use of force was justified based on the actions of the assailants and proportional to the subjects' action and [REDACTED] active resistance.

COPA conducted a preliminary investigation and obtained available reports and BWC video. COPA made multiple attempts without success to obtain cooperation from the subject of this complaint. However, the incident was not captured on BWC video possibly due to the dim lighting inside the room, the fast-moving nature of the struggle, and the number of members and occupants involved. Without the cooperation of the subject, COPA lacks verifiable evidence of misconduct under its jurisdiction. Evidence of the excessive force allegation is not corroborated by sufficient evidence that Officer Siska struck [REDACTED].

Based on members training and experience it was probable that members believed the subject who fled into the premises had evidence of a crime in his possession or sought to conceal such. Furthermore, the occupants in the home were threatening the use of force and their actions were likely to cause physical injury. Officer Siska responded appropriately to the assailants' actions. [REDACTED] actions obstructed the officer's ability to carry out his duty. Additionally, [REDACTED] allegation that Officer Siska used excessive force without justification, lacks sufficient evidence necessary to prove the allegations by a preponderance of the evidence.

For the foregoing reasons, a finding of Unfounded is warranted. Therefore, COPA finds the case should be summarily closed at this time.

Approved:

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Deputy Chief Investigator

7-29-2022

Date