

SUMMARY REPORT OF INVESTIGATION

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| Date/Time/Location of Incident: | September 24, 2019 / 7:45 P.M. / 6921 S. Paxton Avenue |
| Date/Time of COPA Notification: | September 25, 2019 / 1:36 P.M. |
| Involved Officer #1: | Jeffery Shafer, Star No. 17177, Employee No. [REDACTED], Date of Appointment: February 18, 2014, Rank: Police Officer, Unit of Assignment: 003/376, DOB: [REDACTED], 1986, Male, White |
| Involved Officer #2: | Yvette Carranza, Star No. 13435, Employee No. [REDACTED], Date of Appointment: February 29, 2016, Rank: Police Officer, Unit of Assignment: 189, DOB: [REDACTED], 1987, Female, White Hispanic |
| Involved Officer #3: | Dimar Vasquez, Star No. 17910, Employee No. [REDACTED], Date of Appointment: February 23, 2004, Rank: Police Officer, Unit of Assignment: 003/193, DOB: [REDACTED], 1983, Male, White Hispanic |
| Involved Individual #1: | [REDACTED] DOB: [REDACTED], 2004, Male, Black |
| Case Type: | Excessive Force / Operational Violations |

I. ALLEGATIONS

| Officer | Allegation | Finding |
|------------------------|--|---------------|
| Officer Jeffery Shafer | It is alleged by [REDACTED] that on or about September 24, 2019, at approximately 7:45 PM, at or near 6921 S. Paxton Avenue, Officer Jeffery Shafer, Star No. 17177, committed misconduct through the following acts or omissions, by: | |
| | 1. Forcefully taking [REDACTED] to the ground without justification. | Exonerated |
| | 2. Stating words to the effect of, "Put your hands behind your back before I shoot you," to [REDACTED] | Not Sustained |
| | 3. Striking [REDACTED] on or about the head without justification. | Not Sustained |
| | It is alleged by the Civilian Office of Police Accountability, by and through Deputy Chief Matthew Haynam, that on or about September 24, 2019, at approximately 7:45 PM, at or near 6921 S Paxton | |

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| Avenue, Officer Jeffery Shafer, Star No. 17177, committed misconduct through the following acts or omissions, by: | |
| 4. Failing to activate his Body Worn Camera in violation of Special Order S03-14. | Sustained |

II. SUMMARY OF EVIDENCE

On September 25, 2019, Complainant ██████████ reported to the Civilian Office of Police Accountability (COPA) that a Chicago police officer used excessive force when he tackled him to the ground. Mr. ██████████ stated that he was hanging out with a large group of juveniles on a neighborhood resident's porch, which prompted the resident to call the police. Officers responded to the location and ordered the group to disperse. One of the juveniles told the officers they had rights and began recording the encounter. The officers then called the gang unit, who arrived and began chasing Mr. ██████████ and the other juveniles on foot. Mr. ██████████ grew tired as he ran, allowing an officer, now identified as Officer Jeffery Shafer, to catch up to him. According to Mr. ██████████ Officer Shafer tackled him to the ground and repeatedly hit him in the face with a shoe or boot, asking him why he ran and stating words to the effect of, "Put your hands behind your back before I shoot you."¹ Mr. ██████████ was arrested and transported to the 003rd District police station. He reported that, later that evening in lock up, he witnessed a different officer step on another juvenile's foot, spit in the juvenile's face, and threaten to stab him.² In reaching its factual findings, COPA reviewed Mr. ██████████ Complainant Interview,³ the statements of accused Officer Jeffery Shafer⁴ and witness Officer Yvette Carranza,⁵ numerous body worn camera (BWC) videos,⁶ Officer Shafer's Tactical Response Report,⁷ ██████████ medical records,⁸ the Arrest Report of ██████████⁹ an Original Case Incident Report,¹⁰ an Event Query report,¹¹ and multiple other related documents.

COPA finds that on September 24, 2019, at approximately 7:45 P.M., 003rd District officers responded to a report of a disturbance near 2117 E. 70th Street. Upon arrival, the officers encountered a large group of juveniles gathered in the area who yelled at the officers and ran into and out of the street. After numerous orders to disperse were given, the officers attempted to apprehend the juveniles who remained in the area. Mr. ██████████ ignored the officers' orders and fled from Officer Shafer. Officer Shafer and Officer Dimar Vasquez chased Mr. ██████████ on foot, and Officer Shafer effected a takedown of Mr. ██████████ on the parkway and sidewalk area near 6921 S. Paxton Avenue. Mr. ██████████ sustained an abrasion to his left cheek during the takedown.

¹ Attachment 1 at 3:38 minutes.

² COPA was unable to identify the officer, whom ██████████ described as a short, chubby black male.

³ Attachment 1.

⁴ Attachments 17 & 32.

⁵ Attachments 18 & 33.

⁶ Attachments 6-15, 20-21, & 30.

⁷ Attachment 2.

⁸ Attachment 36.

⁹ Attachment 4.

¹⁰ Attachment 3.

¹¹ Attachment 5.

Immediately after the takedown, BWC video captured Officer Shafer holding a black shoe in his right hand.¹² Officer Carranza arrived and assisted in handcuffing Mr. [REDACTED] as did Officer Vasquez. Officer Vasquez then searched Mr. [REDACTED] backpack while he remained handcuffed on the ground. Approximately one minute after the takedown, Officer Shafer knelt down on the sidewalk and tied his shoe, which was black in color.

The officers transported Mr. [REDACTED] to the 003rd District station for processing. Mr. [REDACTED] was subsequently treated at [REDACTED] for the abrasion to his face, then transported to the Juvenile Intervention Support Center. He was charged with one count of reckless conduct and one count of mob action/failure to withdraw, both misdemeanors. COPA searched for Officer Shafer's body worn camera (BWC) video from this incident, but he did not begin recording until well after the encounter with Mr. [REDACTED] had concluded.

III. ANALYSIS AND CONCLUSION

a. Forcefully taking [REDACTED] to the ground without justification.

Per General Order G03-02, "Department 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."¹³ Under the Department's use of force policy, a person who attempts to create distance between himself and a member with the intent to avoid physical control or defeat arrest is classified as an active resister.¹⁴ A Department member is permitted to respond to an active resister with takedowns, stunning, OC spray, tasers, canines, holding and compliance techniques, and control instruments.¹⁵

In this case, COPA finds there is clear and convincing evidence Officer Shafer was justified in conducting a takedown of Mr. [REDACTED] BWC video and other evidence shows that Mr. [REDACTED] was an active resister who remained on scene, ran in and out of the street, and attempted to evade officers after they issued lawful orders to disperse. Mr. [REDACTED] admitted to this conduct during his COPA statement. As a result, Mr. [REDACTED] was subject to arrest for reckless conduct and mob action,¹⁶ and his flight from Officer Shafer justified an emergency takedown. Therefore, COPA finds Allegation #1 against Officer Shafer is **exonerated**.

b. Stating words to the effect of, "Put your hands behind your back before I shoot you," to [REDACTED]

COPA finds there is insufficient evidence to determine whether Officer Shafer stated words to the effect of, "Put your hands behind your back before I shoot you," to Mr. [REDACTED] Mr. [REDACTED] told COPA that Officer Shafer threatened to shoot him if he did not put his hands behind his back. Officer Shafer denied making the threat in question. No witness testimony, BWC video, or other

¹² Attachment 6, BWC of Officer Vasquez at 00:48:30.

¹³ General Order G03-02(III)(B), Use of Force (effective October 16, 2017 to February 28, 2020).

¹⁴ General Order G03-02-01(IV)(B)(2), Force Options (effective October 16, 2017 to February 28, 2020).

¹⁵ General Order G03-02-01(IV)(B)(2)(c).

¹⁶ See 720 ILCS 5.0/12-5-A and 720 ILCS 5.0/25-1-B-4, respectively.

evidence captures the statement or proves it did not occur. As a result, COPA lacks sufficient evidence to either prove or disprove the allegation by a preponderance of the evidence. Therefore, COPA finds Allegation #2 against Officer Shafer is **not sustained**.

c. Striking ██████████ on or about the head without justification.

COPA finds there is insufficient evidence to determine whether Officer Shafer struck Mr. ██████████ on or about the head without justification. Mr. ██████████ told COPA that Officer Shafer hit him repeatedly in the head and/or face with a shoe or boot. Officer Shafer, however, denied he struck Mr. ██████████ at any point during the incident, with any object. BWC video captured Officer Shafer holding a shoe just after the takedown, then kneeling down to tie his shoe approximately one minute later. Although Officer Shafer could not recall why he was holding the shoe, there is no witness testimony, BWC video, or other evidence establishing whether Officer Shafer used the shoe to strike Mr. ██████████. As a result, COPA lacks sufficient evidence to either prove or disprove the allegation by a preponderance of the evidence. Therefore, COPA finds Allegation #3 against Officer Shafer is **not sustained**.

d. Failing to activate his Body Worn Camera in violation of Special Order S03-14.

COPA finds that Officer Shafer violated Special Order S03-14 by failing to timely activate his BWC during the incident. Special Order S03-14 requires officers to activate their BWCs at the beginning of an incident and record the entire incident for all law-enforcement-related activities, including calls for service, investigatory stops, arrests, foot pursuits, and use of force incidents.¹⁷ The evidence shows that Officer Shafer arrived on scene no later than 7:40 P.M.,¹⁸ and his encounter with Mr. ██████████ began at approximately 7:47 P.M.¹⁹ However, Officer Shafer did not begin recording until approximately 7:55 P.M.²⁰ COPA finds the preponderance of the evidence shows Officer Shafer failed to timely activate his BWC, and Allegation #4 is **sustained** as a violation of Rules 2, 3, 5, and 6.

IV. RECOMMENDED DISCIPLINE FOR SUSTAINED ALLEGATIONS

a. Officer Shafer's Complimentary and Disciplinary History

In considering disciplinary recommendations for sustained findings, COPA reviewed Officer Shafer's disciplinary and complimentary histories.²¹ Officer Shafer has no sustained disciplinary history in the past five years. He has received 79 total awards, including four Department commendations, 64 honorable mentions, and various other awards.

b. Recommended Penalty

COPA has found that Officer Shafer violated Rules 2, 3, 5, and 6 by failing to timely activate his BWC. Officer Shafer's failure to record the incident constituted a breach of public

¹⁷ Special Order S03-14(III)(A)(2), Body Worn Cameras (effective April 30, 2018 to present).

¹⁸ Attachment 20, BWC of Officer De Leon at 00:40:45 – 00:41:22; Attachment 7, BWC of Officer Rivera at 00:40:58 – 00:41:05.

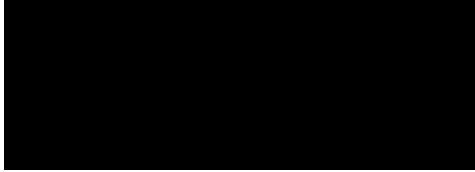
¹⁹ Attachment 6, BWC of Officer Vasquez at 00:47:45 – 00:49:10.

²⁰ Attachment 11.

²¹ Attachment 31.

trust and undermined the City’s interest in recording police-public encounters. Considering the severity of the misconduct and the officer’s record of service, COPA finds that a 5-day suspension is the appropriate penalty for this violation.

Approved:



1/21/2022

Matthew Haynam
Deputy Chief Administrator – Chief Investigator

Date