

SUMMARY REPORT OF INVESTIGATION

Date/Time/Location of Incident:	June 01, 2020/ 4:18 P.M./ 1940 W. 33 rd Street
Date/Time of COPA Notification:	June 01, 2020/ 10:44 P.M.
Involved Officer #1:	Ricardo Reyes, Star No. 19102, Employee No. [REDACTED], Date of Appointment: September 28, 1998, Rank: Police Officer, Unit of Assignment: 009, DOB: [REDACTED], 1969, Male, Hispanic
Involved Officer #2:	Michael Campbell, Star No. 1673, Employee No. [REDACTED], Date of Appointment: July 27, 1998, Rank: Sergeant, Unit of Assignment: 009, DOB: [REDACTED], 1971, Male, White
Involved Officer #3:	Juan Chavez, Star No. 19262, Employee No. [REDACTED], Date of Appointment: May 26, 1998, Rank: Police Officer, Unit of Assignment: 009, DOB: [REDACTED], 1968, Male, Hispanic
Involved Officer #4:	Carlos Aldana, Star No. 9788, Employee No. [REDACTED], Date of Appointment: October 10, 2000, Rank: Police Officer, Unit of Assignment: 009, DOB: [REDACTED], 1978, Male, Hispanic
Involved Officer #5:	Timothy Bickham, Star No. 284, Employee No. [REDACTED], Date of Appointment: December 16, 1991, Rank: Lieutenant, Unit of Assignment: 009, DOB: [REDACTED], 1968, Male, White
Involved Individual #1:	[REDACTED] DOB: [REDACTED], 1990, Male, Hispanic
Case Type:	Unnecessary Physical Contact / Verbal Abuse / Failure to Report Misconduct

I. ALLEGATIONS

Officer	Allegation	Finding/ Recommendation
Officer Ricardo Reyes	<p>It is alleged by the Civilian Office of Police Accountability that on or about June 1, 2020, at approximately 4:15 PM, at or near 1940 W. 33rd Street, Chicago, IL, Officer Ricardo Reyes Star No. 19102 committed misconduct through the following acts or omissions, by:</p> <p>1. Striking [REDACTED] with an impact weapon on or about the body without justification.</p>	Sustained/60-Day Suspension

Sergeant Michael Campbell	2. Striking ██████████ on or about the face without justification.	Sustained/60-Day Suspension
	3. Dragging ██████████ by the hair without justification.	Sustained/60-Day Suspension
	4. Stating words to the effect of “Put your fucking hands behind your back.”	Sustained/60-Day Suspension
	1. It is alleged by the Civilian Office of Police Accountability that on or about June 1, 2020, at approximately 4:15 PM, at or near 1940 W. 33 rd Street, Chicago, IL, Sergeant Michael Campbell Star No. 1673 committed misconduct through the following acts or omissions, by: failing to report to the Department use of force violations committed by Officer Ricardo Reyes.	Not Sustained

II. SUMMARY OF EVIDENCE

On June 1, 2020, the Civilian Office of Police Accountability received an Initiation Report from the 009th District reporting that Officer Ricardo Reyes struck an arrestee, ██████████ ██████████, in the head with a closed fist during an arrest at 1940 W. 33rd Street. Following a preliminary investigation, COPA also alleged that Officer Reyes struck Mr. ██████████ with a baton and dragged him by his hair without justification, as well as used verbally abusive language. In reaching its factual findings, COPA reviewed the body-worn camera (BWC) videos of responding officers,² the statements of Officer Reyes,³ Sgt. Campbell,⁴ Officer Aldana,⁵ and Lt. Bickham,⁶ the Arrest Report for Mr. ██████████⁷ the Original Case Incident Reports,⁸ a Supplementary Case Report,⁹ two Tactical Response Reports,¹⁰ the Office of Emergency Management & Communications (OEMC) radio transmissions¹¹ and Event Query reports,¹² and other related documents.

COPA finds that on June 1, 2020, at approximately 4:15 P.M., Officers Carlos Aldana and Juan Chavez responded to a report of looting at the Target store located at 1940 W. 33rd Street. The officers entered the storeroom of the Target store through the rear of the building and encountered an individual now known to be ██████████ Mr. ██████████ ran from the storeroom through the rear exit and the officers pursued on foot. As the officers reached S. Wolcott

¹ COPA investigators made numerous attempts to interview Mr. ██████████ with negative results. CMS Notes CO-57771, 60284, 60317 & 83742.

² Attachments 8 & 9.

³ Attachments 20 & 27.

⁴ Attachments 21 & 28.

⁵ Attachments 19 & 26.

⁶ Attachments 22 & 29.

⁷ Attachment 2.

⁸ Attachment 3 & 4.

⁹ Attachment 5.

¹⁰ Attachments 6 & 7.

¹¹ Attachments 10 – 14.

¹² Attachments 15 – 18.

Avenue, Mr. ██████ had already run across the street and into a nearby parking lot. Mr. ██████ then doubled back toward the officers, at which point Officer Aldana and other responding officers initiated a takedown on the street. At that moment, Officer Reyes arrived on scene in his vehicle. Mr. ██████ struggled with the officers, attempting to stand back up as they tried to restrain him. During the struggle, Sgt. Campbell arrived on scene but remained in his vehicle. Officer Reyes exited his vehicle, approached the struggle, and delivered two blows to Mr. ██████ body with his baton, the second of which resulted in Officer Reyes losing control of the baton. Officer Reyes then delivered one punch to Mr. ██████ forehead area. At that point, Officer Aldana tapped Officer Reyes on the arm, attempting to intervene. As another officer tried to secure Mr. ██████ in handcuffs, Officer Reyes grabbed Mr. ██████ by his hair, dragged him a short distance on the pavement, and stated, “Put your fucking hands behind your back.”¹³ The officers then successfully arrested Mr. ██████ and returned to the Target store.

In his statement to COPA, Sgt. Campbell stated that he did not personally view Officer Reyes punch Mr. ██████ in the head, as his view may have been obstructed by the forward part of his vehicle. According to Sgt. Campbell, after the arrest, Officer Reyes approached him and informed him that he had struck Mr. ██████ injuring his hand. Sgt. Campbell stated that he reported Officer Reyes’ admission later that evening to his lieutenant, Lt. Bickham. When COPA interviewed Lt. Bickham, however, he could not recall whether Sgt. Campbell reported Officer Reyes’ use of force. COPA finds Officer Reyes, Officer Aldana, Sgt. Campbell, and Lt. Bickham generally credible as their statements are largely consistent with the BWC videos and other evidence.

III. ANALYSIS AND CONCLUSION

a. Officer Ricardo Reyes

i. Officer Reyes Struck Mr. ██████ With An Impact Weapon

COPA finds that Officer Reyes struck Mr. ██████ with an impact weapon without justification. General Order G03-02-01 authorizes the use of impact weapons against subjects who are assailants, and who use or threaten to use force which is likely to cause physical injury.¹⁴ The General Order does not authorize the use of impact weapons against passive or active resisters. In this case, the BWC videos clearly show Mr. ██████ resisting the officers’ control, but at no point does he take any aggressively offensive actions that would render him an assailant. During his statement at COPA, Officer Reyes also classified Mr. ██████ an active resister. As Mr. ██████ was an active resister and not an assailant during the arrest, Officer Reyes’ use of an impact weapon violated the General Order, as well as Rules 2, 3, 6, and 8 of CPD’s Rules and Regulations. Officer Reyes’ use of force was neither objectively reasonable, necessary, nor proportional to the resistance offered by Mr. ██████. For all these reasons, COPA finds the allegation that Officer Reyes struck Mr. ██████ with an impact weapon without justification is **sustained**.

¹³ Attachment 9 at 4:24 minutes.

¹⁴ General Order G03-02-01(IV)(C)(1)(a)(2), Force Options (effective February 29, 2020 – April 14, 2021).

ii. Officer Reyes Struck Mr. ██████ In The Face

COPA finds that Officer Reyes struck Mr. ██████ on or about the face without justification. General Order G03-02-01 authorizes the use of direct mechanical techniques, including forceful, concentrated strikes such as punching and kicking, against subjects who are assailants.¹⁵ The General Order does not authorize the use of direct mechanical techniques against resisters, active or passive.¹⁶ As discussed above, the BWC videos show Mr. ██████ was an active resister who attempted to avoid arrest by creating distance between himself and the officers. As Mr. ██████ was not an assailant during the arrest, Officer Reyes' use of direct mechanical techniques violated the General Order, as well as Rules 2, 3, 6, and 8 of CPD's Rules and Regulations. Therefore, COPA finds the allegation that Officer Reyes struck Mr. ██████ on or about the face without justification is **sustained**.

iii. Officer Reyes Dragged Mr. ██████ By the Hair

COPA finds that Officer Reyes dragged Mr. ██████ by the hair without justification. As an initial matter, COPA notes that none of the Department's orders specifically address dragging a subject by the hair. Although Department policy need not identify every possible force option, it is nonetheless implausible that dragging a subject by the hair could be considered an objectively reasonable tactic in anything but an extreme emergency. As no such emergency existed at the time of Mr. ██████ arrest, Officer Reyes' decision to drag Mr. ██████ by the hair was not reasonable. Officer Reyes had other force options available to him, including simply grabbing Mr. ██████ arm, and his use of force was not necessary to administer handcuffing. This is particularly true given that Mr. ██████ offered little, if any, resistance after Officer Reyes punched him in the head. As such, Officer Reyes' decision to drag Mr. ██████ by the hair to administer handcuffing was not proportional to the amount of resistance offered by Mr. ██████. Therefore, COPA finds that Officer Reyes' use of force was outside of Department policy and constituted excessive force in violation of Rules 2, 3, 6, and 8 of CPD's Rules and Regulations. For these reasons, the allegation that Officer Reyes dragged Mr. ██████ by the hair without justification is **sustained**.

iv. Officer Reyes Directed Profanity At Mr. ██████

COPA finds that Officer Reyes stated words to the effect of "Put your fucking hands behind your back" while placing Mr. ██████ under arrest. BWC footage captures Officer Reyes stating the words in question and directing the profanity at Mr. ██████. Officer Reyes' verbal abuse violated Rules 8 and 9 of CPD's Rules and Regulations. Therefore, COPA finds the allegation that Officer Reyes stated words to the effect of "Put your fucking hands behind your back" is **sustained**.

¹⁵ *Id.* at (IV)(C)(1)(a)(1).

¹⁶ During their statements to COPA, Officers Reyes and Aldana both correctly classified Mr. ██████ as an active resister; however, Officer Reyes stated incorrectly that the General Order authorizes striking an active resister in order to disorient him. General Order G03-02-01 authorizes stunning active resisters through diffused-pressure strikes or slapping, but punching is only authorized against assailants. *See id.* at (IV)(B)(2)(c)(1); (IV)(C)(1)(a)(1).

b. Sergeant Michael Campbell

i. Failure to Report Use of Force Violations

COPA finds there is insufficient evidence to prove or disprove the allegation that Sgt. Campbell failed to report Officer Reyes’ excessive force. Sgt. Campbell told COPA that Officer Reyes approached him after Mr. [REDACTED] arrest and informed him that he punched Mr. [REDACTED] in the head during the incident. Sgt. Campbell stated he reported the punch to Lt. Bickham later that evening. However, Lt. Bickham told COPA he could not recall whether Sgt. Campbell reported Officer Reyes’ use of force. No other evidence exists on record to establish whether Sgt. Campbell reported the misconduct. Therefore, COPA finds there is insufficient evidence to prove or disprove the allegation against Sgt. Campbell, and the allegation is **not sustained**.

IV. RECOMMENDED DISCIPLINE FOR SUSTAINED ALLEGATIONS

a. Officer Ricardo Reyes

i. Complimentary and Disciplinary History

In considering disciplinary recommendations for sustained findings, COPA reviewed Officer Reyes’ disciplinary and complimentary histories.¹⁷ Officer Reyes has no sustained complaints registered with the Chicago Police Department. He has received 133 total awards.

ii. Recommended Penalty

COPA has found that Officer Reyes violated Rules 2, 3, 6, 8, and 9 when he struck Mr. [REDACTED] with an impact weapon without justification, struck Mr. [REDACTED] on or about the face without justification, dragged Mr. [REDACTED] by the hair without justification, and stated words to the effect of, “Put your fucking hands behind your back.” Officer Reyes’ abusive actions were contrary to the rules, directives, and values of the Chicago Police Department, and they constituted a gross breach of public trust in police officers to use appropriate force during arrests. As such, COPA finds that a 60-day suspension is the appropriate penalty for these sustained allegations. COPA further recommends Officer Reyes receive retraining on the Department’s use of force policies, including permissible force options, as well as its community relations policies.

Approved:

[REDACTED]

9/21/2021

Matthew Haynam
Deputy Chief Administrator

Date

¹⁷ Attachment 25.

Appendix A

Assigned Investigative Staff

Squad#:	Six
Investigator:	Daniel Thetford
Supervising Investigator:	Steffany Hreno
Deputy Chief Administrator:	Matthew Haynam