

SUMMARY REPORT OF INVESTIGATION

I. EXECUTIVE SUMMARY

Date of Incident:	March 16, 2017
Time of Incident:	10:30 a.m.
Location of Incident:	William Howard Taft High School 6530 W. Bryn Mawr Ave. Chicago, IL
Date of COPA Notification:	November 16, 2017
Time of COPA Notification:	2:45 p.m.

On the morning of March 16, 2017, [REDACTED] (a minor), who was a student at Taft High School, was involved in a fight with other students at the high school. Officer John Nader was working as a part time security officer at the school and was asked to assist with the disturbance. Officer Nader was escorting [REDACTED] away from the disturbance when he forcefully restrained her, believing she would assault another student.

II. INVOLVED PARTIES

Involved Officer #1:	John D. Nader / Star #8516 / Employee ID # [REDACTED] / Date of Appointment: January 3, 1995 / Police Officer / Unit of Assignment: 19 th District / 53-year-old white male
Involved Individual #1	[REDACTED] a minor / Taft High School white, female student

III. ALLEGATIONS

Officer	Allegation	Finding / Recommendation
Officer John D. Nader	1. The complainant alleged that on or about March 16, 2017, at approximately 10:30 a.m. in the vicinity of 6530 W. Bryn Mawr Ave., you grabbed [REDACTED] by the neck with both hands.	SUSTAINED/
	2. The complainant alleged that on or about March 16, 2017, at approximately 10:30 a.m. in	SUSTAINED/

the vicinity of 6530 W. Bryn Mawr Ave., you slammed [REDACTED] into a locker.

3. The complainant alleged that on or about March 16, 2017, to the present, you failed to notify the Department of the Chicago Board of Education's investigation into your conduct on March 16, 2017.

SUSTAINED/

4. It is alleged that in an interview with COPA on February 13, 2018, regarding allegations of unjustified physical contact with [REDACTED] at Taft High School on March 16, 2017, the accused, Officer John Nader, made a false, misleading, or inaccurate statement when he was asked "So, did you ever speak with an investigator from CPS about this incident?" and answered "No."

SUSTAINED/

5. It is alleged that in an interview with COPA on February 13, 2018, regarding allegations of unjustified physical contact with [REDACTED] at Taft High School on March 16, 2017, the accused, Officer John Nader, made a false, misleading, or inaccurate statement when he stated, "I didn't know that CPS was conducting any other investigation other than at the school level. Like I said, my immediate [supervisor], and the principal."

SUSTAINED/

6. It is alleged that in an interview with COPA on February 13, 2018, regarding allegations of unjustified physical contact with [REDACTED] at Taft High School on March 16, 2017, the accused, Officer John Nader, made a false, misleading, or inaccurate statement when he stated, "I was never – never informed that I was under investigation by any other CPS Department."

SUSTAINED/

V. INVESTIGATION¹

a. Interviews

Accused Officer John Nader was interviewed by COPA investigators on February 13, 2018.² In his statement, Officer Nader said he was employed by the Chicago Public Schools (“CPS”) on March 16, 2017, and had worked at Taft High School as a security guard for approximately three years. On the date of the incident, Officer Nader was on the third floor when a teacher alerted him that there was an altercation between students at the other end of the hallway. Officer Nader proceeded to that end of the hallway, but by the time he got there the altercation had been broken up by some teachers. One of the teachers directed him to a student, ██████████ and was told she had been the aggressor in the fight and battered another student. Officer Nader said this student was new to the school but was known to be aggressive. He said ██████████ and her sister “were clearly setting the flow of how things were operating there.”³ Officer Nader believed ██████████ was clearly an offender in this situation and believed she should have been placed into custody at that time; however, the CPS policy was that you could not physically detain students. Officer Nader called for an administrator and the deans of the school to come to the location of the fight, but they never came, but the presumed Director of Security arrived. Officer Nader said this person’s name is ██████████ but could not recall her last name, or whether her official title was Director of Security or something else, because she had many functions in the school. ██████████ told Officer Nader to escort ██████████ downstairs.

Officer Nader proceeded to escort ██████████ “hands-off” around the corner, when ██████████ saw another student who was part of the incident and fled from Officer Nader’s side towards the other student. Officer Nader believed ██████████ was going to attack the other student, so he grabbed her around the shoulder area and pushed her into a locker to isolate her for one or two seconds and prevent her from attacking the other student. Officer Nader said he then pushed her into a doorway and removed his hands from her and told her to calm down and stay there. Officer Nader said he made himself the barrier between her and the other student while they waited for ██████████ to arrive. Once ██████████ arrived, ██████████ went with her.

Regarding the cell phone video of the incident, Officer Nader said he was called to his immediate supervisor’s office to talk with him about the video clip. Officer Nader could not recall the name of his immediate supervisor. Officer Nader said the supervisor looked at the video of the incident and indicated there was nothing wrong with Officer Nader’s conduct. Officer Nader said he went to the principal of the school and spoke with him as well. The principal told Officer Nader that he didn’t see any excessive force in the video and there should not be any problem with his actions. Officer Nader said DCFS was notified and came to the school and did a complete

¹ COPA conducted a thorough and complete investigation. The following is a summary of the material evidence gathered and relied upon in our analysis.

² Attachments 8 and 13.

³ Attachment 13, p. 9, lines 4-5.

investigation. He said they took his statement as well as statements from the student and others at the school. Officer Nader said they determined through their investigation that he was exonerated.

Once the school year ended, Officer Nader left for summer believing he would resume his position at the school the following fall. However, halfway through the summer, he said he received a phone call from the principal who informed him they were eliminating his position as well as another off duty-officer's position and were hiring instead two full-time security officers. Officer Nader further stated that the principal told him it had nothing to do with the incident involving [REDACTED]. Officer Nader said he also planned to go to days with CPD and that would prevent him from working at Taft anyhow. When asked whether he was ever notified about allegations against him by the Board of Education involving the incident with the student, Officer Nader said he was notified by the Service Employees International Union ("SEIU") at some point. He said he was only notified by [REDACTED] his union representative, the day before a hearing was scheduled and was never notified of a CPS investigation prior to that. He also said he never spoke to an investigator from CPS about the incident.⁴

Accused Officer John Nader was interviewed by COPA investigators on August 18, 2021.⁵ In his statement, Officer Nader said he was employed as part time security at Taft High School from about 2014 to 2017 and before that he worked as part time security at Lake View High School for about four years. Officer Nader said that he was involved in many incidents with students at Lake View High School and even after reviewing our Attachment 4, which contains information regarding an incident at Lake View High School, Officer Nader did not recall what the incident was and did not immediately recall whether there was a pre-disciplinary hearing. However, Officer Nader did recall that he did not have a union representative. Upon further questioning, Officer Nader was able to recall that he was issued a recommended five-day suspension regarding the incident at Lake View High School. Officer Nader also said he appealed that decision with the help of his union representative, [REDACTED]. Officer Nader's appeal was ultimately successful on a technicality. Officer Nader said he subsequently left Lake View High School because it was more convenient for him to work at Taft High School. Officer Nader worked at Taft High School from about 2015 to 2017. This incident occurred in March of 2017.

Officer Nader said he had no knowledge of a disciplinary hearing which was scheduled regarding the investigation into this incident until he spoke to his SEIU representative, [REDACTED]. [REDACTED] informed him there was a disciplinary hearing and Officer Nader said he couldn't make the hearing and wanted a continuance. Mr. [REDACTED] informed him that it had already been rescheduled once. Officer Nader said he told Mr. [REDACTED] he "didn't know anything about an investigation, period..."⁶ Officer Nader further stated that his intention was not to return working for CPS anyhow because he was switching his schedule with CPD to days. So, he informed Mr.

⁴ Attachment 13 pp. 24-25.

⁵ Attachments 18 and 19.

⁶ Attachment 19, p. 26, lines 16-17.

██████ that he was resigning. When asked if he was aware after his conversation with Mr. ██████ that there had been an investigation into his conduct, Officer Nader said “I didn’t know. At that point it was out of my mind... I didn’t really care.”⁷

In Officer Nader’s first statement to COPA regarding this matter, he told COPA investigators he never spoke to an investigator from CPS. When asked about this, Officer Nader said at the time of his original statement, he didn’t recall having spoken to a CPS investigator. Officer Nader said there had been the DCFS investigation, he had spoken to the principal, and head of security, so he just failed to recall having a conversation with a CPS investigator. After reviewing the Chicago Board of Education Employment Records provided to him for this interview, Officer Nader acknowledged that he did speak to a CPS investigator regarding this incident.

Officer Nader said he currently works at the airport for CPD, and his responsibilities include preliminary investigations into criminal activity. Those investigations are conducted with the aid of the FBI, the Department of Aviation and TSA. Officer Nader further said that doing these sorts of investigations, whether criminal or otherwise, are part of his job as a police officer. Prior to working at the airport, Officer Nader was assigned to the 19th District for about 15 years where he was involved in numerous investigations and arrests, including conducting interviews and questioning witnesses related to those investigations.

b. Digital Evidence

Cell phone video from a student at Taft High School captures several seconds of the encounter between Officer Nader and ██████⁸ In the video, the figures of ██████ and Officer Nader are seen down the hallway, as Officer Nader is moving quickly and pushing the student towards the hallway wall. The student has her hands in front of her, trying to block Officer Nader’s hands, which end up around her neck as he slams her into a wall.

⁷ Attachment 19, pp. 35-36, lines 24-1.

⁸ Attachment 5.

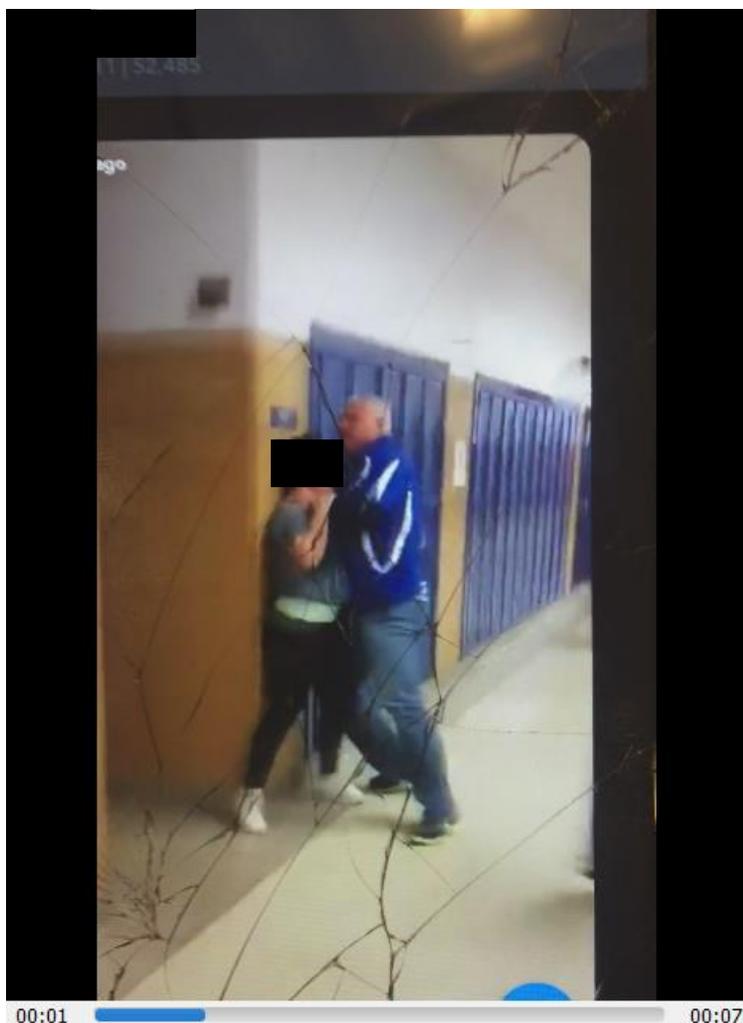


Figure 1: still image from cell phone video.

c. Documentary Evidence

Employment Records from the Chicago Board of Education.⁹ Employment Records from the Board of Education include letters sent to Officer Nader in September of 2017. The letters said the Board of Education was considering terminating his employment for the incident at Taft High School. The letters included copies of the charges against Officer Nader as well as disciplinary hearing dates. The documents include investigative reports regarding the investigation into Officer Nader's conduct by CPS Investigator Cheryl Smith. The reports summarize Investigator Smith's interviews of ██████████ Officer Nader, and other witnesses as follows:

██████████ was interviewed by CPS Investigator Smith on March 26, 2017. ██████████ said that on the date of the incident, a fight broke out on the third floor between two students. ██████████ tried to break up the fight between the students when she was hit by another student, and she began

⁹ Attachment 4.

fighting with that student. Some other students broke up the fight and then school security arrived, including Officer Nader. ██████ said she asked Officer Nader not to escort her down the same corridor as two of the students involved in the fight. As ██████ and Officer Nader were walking down a different corridor, a student came up behind them and called ██████ a “bitch.” ██████ said she ran past Officer Nader to hit the student, but Officer Nader grabbed her firmly by the neck with both of his hands and forcibly slammed her into a wall of lockers. ██████ said she grabbed Officer Nader’s arms and pulled his hands from her neck. She said Officer Nader then backed her into a corner to keep her from running.

Officer John Nader was interviewed by CPS Investigator Smith on April 4, 2017. The interview had been rescheduled twice. Initially Investigator Smith spoke to Officer Nader on March 27, 2017. Officer Nader declined to provide a statement without his union representative present. On March 31, 2017, ██████ a Service Employees International Union (“SEIU”) representative, called to reschedule Officer Nader’s interview to April 4, 2017. In his statement to Investigator Smith on April 4, 2017, Officer Nader said he had been assigned to monitor the third floor of the high school on the date in question, when a teacher told him there was a fight between students. Officer Nader went to the location of the fight, but the fight was over. A teacher detained ██████ and one of her friends while a group of other students refused to disperse from the area. Officer Nader told ██████ to stay where she was while he addressed the group of students. Officer Nader then began escorting ██████ and her friend to the Dean’s office. As Officer Nader was escorting them, ██████ ran past him towards the student she had been fighting with. Officer Nader said he grabbed ██████ in a bear type hug while ██████ resisted his effort to restrain her. Officer Nader said he pushed her into a locker then moved her by the shoulders into a doorway to block her movements as he told her to calm down. Officer Nader then requested the assistance of an administrator and ██████ arrived.

Officer Nader said he had reviewed the cell phone video of the incident and was shown a still image from the cellphone video. Officer Nader was asked if his hands were on ██████ neck and he said, “I would say it’s close, but I would prefer to say her shoulder.” Officer Nader also said he didn’t slam ██████ against a locker, but he pushed her against a locker to keep her from battering another student.

On March 26, 2017, Investigator Smith spoke to the student who recorded the cell phone video of the incident. The student stated that he did not witness the initial fight but started filming after security arrived. He said he saw ██████ run after another girl when Officer Nader grabbed her neck and pushed her into lockers. After which, teachers began coming out of their classrooms and he put his cell phone away and left. He posted the video on Snapchat and said he recorded the incident because he thought the security officer was too aggressive. Also on March 26, 2017, Investigator Smith interviewed a female student who witnessed the incident. The student said she transferred to Taft that February and was involved in the fight that led to this incident. She said after the fight, school security dispersed everyone, and she was walking away when she saw Officer Nader grab ██████ by putting his hands around her neck and slamming her against a wall

of lockers. She said she was about three feet away from ██████ and Officer Nader when she saw this occur.

Investigator Smith found that Officer Nader pushed ██████ against a locker while holding her neck, and the pressure on her throat would cause a sense of choking. The findings of her investigation determined there was credible evidence to conclude Officer Nader had his hands around ██████ neck and choked her. The investigation also determined there was credible evidence that Officer Nader slammed ██████ against a wall of lockers.¹⁰

The employment records also include memos, letters and emails regarding an incident involving Officer Nader when he was employed as a security officer at Lake View High School in 2015. The documents show that Officer Nader was issued a five-day suspension for abusive language and forcefully pulling a student by the arm. Officer Nader, with the aid of his SEIU representative, Mr. ██████ appealed that decision on the grounds there was no proper notice of a pre-disciplinary hearing. Officer Nader won that appeal and did not serve the five-day suspension.

IV. 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.

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.

¹⁰ Attachment 4, p. 39.

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.

V. ANALYSIS AND CONCLUSION

COPA finds that Allegations #1 and 2, that Officer Nader grabbed ██████ by the neck and slammed her into lockers, are **sustained**. Department members are permitted to use force to overcome resistance.¹¹ When members encounter a citizen who attempts to create distance from a member with an intent to avoid physical control and/or defeat arrest, that citizen is an active resister.¹² Members are permitted to respond to active resistance with presence; verbal directions; holding and compliance techniques; control instruments; deployment of oleoresin capsicum; stunning; takedowns; canine use; and taser deployment.¹³

Here, Officer Nader explained that as he was escorting ██████ to the office she began to act as if she would engage other students in additional physical altercations. Even if this is in fact an accurate description of ██████ actions, she would at best be considered a passive resister, and the grabbing her neck and pushing her into a bank of lockers would be an impressible use of force.¹⁴ Further, Officer Nader informed COPA that during his employment with CPS he was instructed to take a hands-off approach to students and that he should not be grabbing students. Finally, even if the grabbing of ██████ neck could reasonably be considered a “holding technique” there was insufficient evidence to support any assertions that it was the least amount of force needed to overcome any resistance from ██████. Thus, Officer Nader’s actions were in violation of Department policy and Rules 2, 3, and 6.

COPA finds that Allegation #3, that Officer Nader failed to inform the Department he was under investigation, is **sustained**. Department members are required to inform the Department, in writing, when the member learns they are a subject of an investigation.¹⁵ Here, it is undisputed that Officer Nader failed to inform the Department that he was investigated by DCFS and CPS for this incident. Therefore, Officer Nader’s failure violated Department policy and Rules 2, 3, and 6.

COPA finds Allegations # 4 to 6, the Officer Nader made a false, misleading, or inaccurate statements to COPA, are Sustained. The Department Member’s Bill of Rights prohibits a member from being charged with a Rule 14 violation “unless the Department member willfully made a

¹¹ See G03-02-01 generally.

¹² G03-02-01 IV(B)(2), Response to Resistance and Force Options.

¹³ G03-02-01 IV(B)(2)(c).

¹⁴ Members are obligated to use the least amount of force to overcome resistance. Thus, even if all the facts were viewed in a light most favorable to Officer Nader, ██████ actions would have been the minimal active resistance possible. As such, Officer Nader’s decision to grab ██████ by the neck and forcefully direct her into a bank of lockers would still be an excessive, unnecessary, and impermissible use of a control technique and takedown. See G03-02-01 generally.

¹⁵ S08-01-02, Special Situations Involving Allegations of Misconduct (effective July 15, 2017 to November 30, 2017.)

false statement, and the false statement was about a fact relevant to the investigation.”¹⁶ This not all instances in which a member omits materials in an official report, such as a COPA, statement rise to the level of a Rule 14 violation; however, that does not mean a violation did not occur. Department members are required to ensure they are attentive to the duties required of them by virtue of their employment with the Department.¹⁷

Here, as discussed above, it is undisputable that Officer Nader failed to notify the Department he was under investigation by DCFS and CPS; however, in his statements to COPA he reported numerous CPS officials he spoke to and that he was interviewed by DCFS.¹⁸ Additionally, Officer Nader explained that during the summer of 2017 he informed school administration he did not intend to return to his position in the fall while also learning the school was eliminating his position. Further, Officer Nader explained that during the summer of 2017 he had relocated residences and had provided CPS with his new address; however, CPS addressed all notices to his former address or his CPS email address.¹⁹ Finally, Officer Nader explained that he was unaware of his pending discharge hearing was in October until he was informed of the rescheduled date and sought to have it rescheduled.²⁰ Even if this would have given Officer Nader a reasonable understating that he was the subject of the investigation by CPS, he disclosed to COPA a list of CPS employees he had spoken to about this incident at or around the time of the incident. While it is possible that Officer Nader willfully failed to disclose to COPA that he was aware he was under or had been investigated by CPS, there is insufficient evidence to support such a finding. However, the evidence is clear that Officer Nader failed to exercise the needed attention to ensure that he was aware of which entities within CPS were investigating him. It is for these reasons that COPA finds Officer Nader’s statements to COPA violated Rules 2, 3, 6, and 10.

VI. RECOMMENDED DISCIPLINE FOR SUSTAINED ALLEGATIONS

a. Officer John Nader

i. Complimentary and Disciplinary History

Officer Nader has received 96 various awards and has no disciplinary history in the last 5-years.

¹⁶ G08-04-01 II(N), Department Member Bill of Rights.

¹⁷ Article V, Rule 10 of the Rules and Regulations of the Chicago Police Department.

¹⁸ CPS’ records are unclear if Smith ever informed Officer Nader, she was investigating the matter for the school board or the school.

¹⁹ After declaring his intention to not return to the school, it would be reasonable that Officer Nader would not check his CPS email address.

²⁰ Officer Nader explained the was informed by SEIU that the hearing had already been rescheduled and would not be rescheduled again. Officer Nader informed SEIU and CPS that he would not participate in the hearing and resigning his position.

ii. Recommended Penalty

Here, Officer Nader’s misconduct speaks for itself. Officer Nader’s use of force on [REDACTED] was holy inexcusable and a clear instance of excessive force. Additionally, Officer Nader’s failure to inform the Department he was under investigation was unacceptable. Further, while Officer Nader’s inaccurate statements to COPA did not rise to the level of a Rule 14 violation, they did clearly demonstrate his inattention to his duties as a Department member, specifically to inquire with an assigned investigative body the nature of the investigation and which entity within the investigative body the investigator worked for. It is for these reasons combined with Officer Nader’s history that COPA recommends at **45-day suspension.**

Approved:



Matthew Haynam
Deputy Chief Administrator

6/23/2022

Date