

SUMMARY REPORT

COPA

LOG NO

1075692

TYPE

CR

DATE OF REPORT

29-SEP-2017

INSTRUCTIONS: SUBMIT ORIGINAL AND 3 COPIES IF ASSIGNED TO SAME UNIT AS ACCUSED.
SUBMIT ORIGINAL AND 4 COPIES IF NOT ASSIGNED TO SAME UNIT AS

TO: DEPUTY CHIEF ADMINISTRATOR,
COPA

CHIEF,
BUREAU OF INTERNAL AFFAIRS

FROM - INVESTIGATOR'S NAME	RANK	STAR NO	EMPLOYEE NO	UNIT ASSIGNED	UNIT DETAILED
HENDRICKS, RAMONA	9182			113	

REFERENCE NOS.(LIST ALL RELATED C.L., C.B., I.R., INVENTORY NOS., ETC., PERTINENT OF THIS INVESTIGATION)

INCIDENT ADDRESS: 100 W. ONTARIO ST, CHICAGO, IL 60654

DATE / TIME: 16-JUN-2015 00:06 BEAT: 1832

ACCUSED

NAME	RANK	STAR NO	EMP NO	UNIT ASSIGNED	UNIT DETAILED	SEX/RACE	DOB	APPOINTED DATE	ON DUTY ?	SWORN ?
SHAAR, KHALED W	9161	9039		189	376	M / BLK	1975	10-MAY-1999	NO	YES

REPORTING PARTY

NAME	ADDRESS*	CITY	TELEPHONE	SEX / RACE	DOB / AGE
				M / WHI	1955 / 61

VICTIMS

NAME	ADDRESS*	CITY	TELEPHONE	SEX / RACE	DOB / AGE
				F / WHI	1956 / 60
				M / WHI	1991 / 26
				M / WHI	1955 / 61

WITNESSES

NAME	ADDRESS*	CITY	TELEPHONE	SEX / RACE	DOB / AGE
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* IF CPD MEMBER, LIST RANK, STAR, EMPLOYEE NOS. IN ADDRESS, PAX/BELL IN TELEPHONE BOX.

ALLEGATIONS

** SEE LAST PAGE FOR INSTRUCTIONS FOR STATING ALLEGATIONS, AND COMPLETING THE REMAINDER OF THE SUMMARY REPORT.

INSTRUCTIONS FOR THE SUMMARY REPORT

AFTER COMPLETING THE FORM, CONTINUE THE SUMMARY REPORT ON 8 1/2 x 11 INCH WHITE PAPER.

ALLEGATIONS

In narrative form, state how, when, where, and by whom the complaint was received. State the date, time, and location where the incident occurred, and summarize the complaint. If more than one allegation is made, enumerate each allegation as follows:

No. 1 (Summarize the allegation)

No. 2 (Summarize the allegation)

2. EVIDENCE

Number and attach all statements, reports, and other evidence gathered, on the lower right hand corner. The Complaint Log number must also be entered on the lower right hand corner of each attachment. Following are numbered (EXAMPLES ONLY).

Attachments:

- No. 1 Face Sheet - Yellow
- No. 2 Letter of complaint from victim
- No. 3 Statement of victim
- No. 4 Statement of witness (give name)
- No. 5 Report of member (give name)
- No. 6 Statement of member (give name)
- No. 7 Progress report of investigator (give name)
- No. 8 Copy of certified letter to reporting party
- No. 9 Copy of Alcoholic Influence Report

(accused)

R.D. _____

No. 10 General Offense Case Report,

No. 11 Signed Sworn Affidavit

3. INVESTIGATION

In narrative form, indicate the fact-finding processes followed and the information ascertained as a result of the investigation. Whenever reference is made to an attachment, indicate the attachment number.

4. FINDINGS

Each allegation must be classified as either of the following:
Unfounded - Exonerated - Not Sustained - Sustained - No Affidavit.

If the classification is "Sustained," indicate the rule number violated, the context of the rule, and how the rule was violated by the member.

Example: Allegation No. 1. Unfounded

Allegation No. 1. Sustained - Violation of Rule 12,
Failure to wear the uniform as prescribed, in that on 27 Feb

84

the accused was found to be wearing a non-prescribed short sleeve shirt.

Even though the original allegation(s) may be Unfounded, etc., the investigation may uncover a violation of serious nature unrelated to the original complaint, in which case disciplinary action should be recommended for the other violation.

Example: Allegation No. 1. Unfounded

Allegation No. 2. Not Sustained Other violation:

Sustained-

with

and

Violation of Rule 26, Failure to provide the Department

a current address and telephone number, in that the accused related in his statement that he had moved

obtained a new telephone number and he had failed to provide this information to the Department.

SUMMARY OF PREVIOUS DISCIPLINARY ACTIONS and RECORD OF PREVIOUS COMPLIMENTARY HISTORY IN SUSTAINED CASES ONLY, copies of the accused member's Summary of Previous Disciplinary Actions and Record of Previous Complimentary History will be included as attachments to the final investigation report, Refer to the General Order entitled "Complaint and Disciplinary Procedures."

5. RECOMMENDATION FOR DISCIPLINARY ACTION

One (overall) recommendation for disciplinary action will be made by the investigator. The recommendation will be for all sustained findings; recommendations will not be made for each sustained allegation

Examples:

1. Violation noted, no disciplinary action warranted.
2. That the accused member be reprimanded.
3. That the accused member be suspended for days
4. That the accused member be separated from the Department.

6. DATE INITIATED: (Date complaint was received for investigation)

7. DATE COMPLETED: (Date of this report)

8. ELAPSED TIME: (Total time, expressed in days)

	(Investigator)	
	Rank	Name
Star No.	Unit	

9. APPROVALS

The investigator will initiate the Command Channel Review form (CPD-44. 113-A) by completing the Investigator section.

SUMMARY OF INCIDENT:

On June 16, 2015, Officer Khaled Shaar was engaged in his secondary employment providing security services to the Portillo's Restaurant located on 100 W. Ontario Street. At approximately midnight, [REDACTED] entered Portillo's with his [REDACTED], [REDACTED] and his [REDACTED], [REDACTED] (collectively "[REDACTED]"). Upon their arrival, Officer Shaar told the [REDACTED] that the restaurant would be closing in a few minutes. The [REDACTED] proceeded to order food and sit down to eat.

While other patrons remained in the restaurant, Officer Shaar approached the [REDACTED] and told them they had to leave. The [REDACTED] explained that they were not finished eating and refused to leave. Officer Shaar removed a container from the [REDACTED] table and placed it on a nearby table. Thereafter, [REDACTED] threw a container of cheese in Officer Shaar's direction, which did not hit him. Officer Shaar removed a pair of handcuffs and his cell phone and called 911 to report a belligerent customer. While on the phone, Officer Shaar attempted to handcuff [REDACTED]. Video footage shows that [REDACTED] pulled away and Officer Shaar repeatedly struck [REDACTED] in the head while the handcuffs remained in his hand. [REDACTED] and [REDACTED] attempted to intervene. As the incident continued, the manager of Portillo's (now known as [REDACTED]) attempted to intervene. Officer Shaar eventually placed [REDACTED] in handcuffs and uniformed Chicago Police Officers arrived soon after.

The incident was captured by multiple security cameras at Portillo's and cell phone video taken by a patron. In addition to obtaining the relevant documentary and forensic evidence associated with the incident, IPRA interviewed multiple civilian witnesses.

ALLEGATIONS:

It is alleged that on 16 June 2015, at approximately 0021 hours, **Officer Khaled Shaar, #9039:**

- 1) Failed to properly identify himself as a Chicago Police Officer to [REDACTED] in Violation of Rule #37: Failure of a member, whether on or off duty, to correctly identify himself by giving his name, rank, and star number when so requested by other members of the Department or by a private citizen.,
- 2) Engaged in an unjustified verbal altercation, in Violation of Rule #9: Engaging in any unjustified verbal or physical altercation with any person, while on or off duty., and
- 3) Engaged in an unjustified physical altercation when you struck [REDACTED] about the face with your handcuffs without justification, in Violation of Rule #2: Any action or conduct which impedes the Department's efforts to achieve its policy and goals or brings discredit upon the Department., Violation of Rule #8: Disrespect or maltreatment of any person, while on or off duty., Violation of #9: Engaging in any unjustified verbal or physical altercation.

APPLICABLE RULES AND LAW:

Rule #2: Any action or conduct which impedes the Department's efforts to achieve its policy and goals or brings discredit upon the Department.

Rule #8: Disrespect or maltreatment of any person.

Rule #9: Engaging in any unjustified verbal or physical altercation with any person, while on or off duty.

Rule #37: Failure of a member, whether on or off duty, to correctly identify himself by giving his name, rank, and star number when so requested by other members of the Department or by a private citizen.

INVESTIGATION:

Portillo's Employee Interviews

In an **interview with IPRA** on July 1, 2015, ██████████ stated that he was the manager on duty the night of July 15th through 16th, 2015. ██████████ was aware that security guards at Portillo's are off duty police officers. ██████████ explained that Portillo's is open until 12:05 a.m. and that guests who arrive close to that time are informed that the restaurant will be closing soon and are given a reasonable time to eat their food before being asked to leave.

██████████ explained that he previously worked with the security guard on duty (now known as Officer Shaar). ██████████ was not aware of the officer's name until after the incident. ██████████ stated that all the security guards have their own firearm and handcuffs, and that Portillo's provides the security guards with a radio.

██████████ stated that he was behind the counter assisting a guest when he saw ██████████ try to lift a chair. Officer Shaar reacted to this by slapping the chair out of ██████████ hand. During the commotion, Gail and ██████████ attempted to intervene. ██████████ said that he jumped over the counter, approached the ██████████ and Officer Shaar, and told ██████████ to let Officer Shaar make the arrest. ██████████ told the family that the security guard was an off-duty police officer and instructed ██████████ to stop resisting arrest. ██████████ believed that Terrence and ██████████ were both intoxicated, but ██████████ appeared sober. ██████████ stated that ██████████ was not responsive to his verbal commands to let Officer Shaar arrest him, which led him to believe ██████████ was intoxicated.

██████████ stated that ██████████ elbowed Officer Shaar and tried to fight him off. ██████████ told his staff to call 911. ██████████ stated that Officer Shaar eventually placed ██████████ in handcuffs but that he resisted arrest and attempted to fight Officer Shaar for the duration of the incident.

¹ ██████████ was not aware the customer's name is ██████████ at the time of the incident. For the purposes of clarity, members of the ██████████ family and Officer Shaar will be referred to by name with footnotes indicating when a witness did not have that information at the time of the incident.

In an **interview with IPRA** on July 14, 2015, [REDACTED] an [REDACTED] at Portillo's, stated that he was working the night of the incident. [REDACTED] explained that he was sweeping an area in the center of the restaurant and was approximately five to ten feet away from the incident when it began.

[REDACTED] stated that Officer Shaar² started telling guests to leave because the restaurant was closing. [REDACTED] saw the [REDACTED] become upset and observed [REDACTED] throw something that looked like a cup of cheese at Officer Shaar. [REDACTED] could not hear exactly what was being said, but stated that he specifically heard Officer Shaar tell the [REDACTED] "I'm a Chicago cop. I'm a cop. Do you know who I am? I'm a cop." According to [REDACTED] Officer Shaar took out his phone and started to call the police. Officer Shaar then took one of the [REDACTED] boxes containing burgers and threw it. Officer Shaar took his handcuffs out and tried to arrest [REDACTED] who "stood up and start[ed] fighting." [REDACTED] said that [REDACTED] tried to hit Officer Shaar in the face. According to [REDACTED] Officer Shaar also punched [REDACTED] one or two times. He was not sure if Officer Shaar was holding the handcuffs when he punched [REDACTED]

[REDACTED] witnessed [REDACTED] crying. Soon after, a small crowd of people came toward the commotion. [REDACTED] saw [REDACTED] bleeding. Officer Shaar was "angry and upset" and argued with the police officers who arrived on the scene. According to [REDACTED] Officer Shaar was trying to explain himself. One of the officers wearing a white shirt that responded to the scene kept telling Officer Shaar, "Stop, Stop. It is over."

In an **interview with IPRA** on February 27, 2017 [REDACTED] stated that he was working at Portillo's on the night of the incident. [REDACTED] remembered [REDACTED] being "loud and drunk." He stated that Officer Shaar approached [REDACTED] and asked him to quiet down. [REDACTED] stated that the two had an exchange of words, but that he could not hear exactly what was being said. [REDACTED] did not hear Officer Shaar announce that he was a Chicago Police Officer, however he was sure that he was a security guard for the restaurant because he kept saying that he could have the customer arrested.

[REDACTED] stated that when Officer Shaar attempted to handcuff [REDACTED] he pulled away. According to [REDACTED] Officer Shaar and [REDACTED] began to fight and punch each other. [REDACTED] said that [REDACTED] lunged towards Officer Shaar and took a swing at him. From his vantage point, [REDACTED] could not see if [REDACTED] hit Officer Shaar, however he did see Officer Shaar hit [REDACTED] with the handcuffs in his hand. [REDACTED] explained that the hit seemed "reactionary", in that Officer Shaar already had the handcuffs in his hand and was trying to defend himself. [REDACTED] did not believe Officer Shaar was intending to use the handcuffs as brass knuckles, but rather that the handcuffs were already in his hand to handcuff Terrence Clark when [REDACTED] pulled away and then "came towards" Officer Shaar. [REDACTED] described Officer Shaar striking [REDACTED] as "instinctual type thing."

² [REDACTED] was not aware of the security guard's name or the customers' names. For the purposes of clarify the individuals involved will be referred to by name although the witness did not have this information at the time of the incident.

[REDACTED] was not aware of the customers' or the security guard's names at the time of the incident. For the purposes of clarity these individuals will be referred to by name.

In a **statement to IPRA** on July 1, 2015 [REDACTED] [REDACTED] stated that while at work on June 16, 2016 she was counting money at the end of her shift when she heard a "loud crash." She left the room to see what was happening and saw the security guard, now known to be Officer Shaar, placing a white male in handcuffs.

In an **interview with IPRA** on July 1, 2015 [REDACTED] [REDACTED] stated that she only saw the manager leap over the counter and the security guard handcuffing a customer.

In an **interview with IPRA** on July 1, 2015 [REDACTED] [REDACTED] stated that the customers involved in the incident were not creating a disturbance. [REDACTED] only saw the security guard, now known as Officer Shaar, "beating up" the customers. He did not see who threw the first punch.

In an **interview with IPRA** on July 14, 2015 **Witness** [REDACTED] stated that she did not witness the incident and that she only saw a customer with a bloody face leaving the restaurant.

Portillo's Customer Interviews:

In an **interview with IPRA** on July 29, 2015, **Witness** [REDACTED], stated that she was a patron at Portillo's on the night of the incident. She explained that when she and her group of approximately eight friends⁴ entered the restaurant, Officer Shaar⁵ approached them and told them that the restaurant was closing. [REDACTED] stated that the restaurant and drive-through appeared busy. Officer Shaar approached [REDACTED] group while they were waiting for their food and told them the restaurant was closed and that they had to leave. One of her friends sat down and began to eat his sandwich. Officer Shaar told the friend, "I thought I told you we were closed." The group explained they were waiting on their food and Officer Shaar left.

[REDACTED] stated that Officer Shaar left to approach the [REDACTED] and tell them that the restaurant was closed and they had to leave. [REDACTED] told Officer Shaar that they were finishing their food. Officer Shaar responded by telling the group that they had to leave. [REDACTED] then picked up his food to show Officer Shaar that they were still eating. [REDACTED] said something to the effect of "Either give me my money back or call the police." Officer Shaar responded, "I am the police." Officer Shaar got on his radio and called for back-up to deal with a belligerent customer.

[REDACTED] stated that Officer Shaar did not say anything beyond that to identify himself as a Chicago Police Officer, nor did he show his badge or provide his name. She explained that his clothing did not identify him as a Chicago Police Officer and that at the time she did not believe he was a police officer. She stated, "We just thought he was a joke." She explained that she believed that, in part, because he was so rude.

⁴ One of the friends referenced is Witness [REDACTED].

⁵ Chase was not aware of the security guard's name or the names of other patrons that did not arrive with her at the time of the incident. For the purpose of clarity, the involved individuals will be referred to by name.

█████ witnessed Officer Shaar grab the container which contained █████ burger and told him it was time to go. As Officer Shaar started to walk away, █████ tossed some of his food at the security guard. The thrown item did not hit Officer Shaar, but rather went over his shoulder. Officer Shaar then grabbed his handcuffs, went behind █████ and pulled one of his arms in an attempt to arrest him. When Officer Shaar leaned into to arrest him, █████ pushed Officer Shaar. Officer Shaar then started hitting █████ in the head with the handcuffs. █████ believed Officer Shaar was using the handcuffs as a weapon.

█████ explained that █████ and █████ got up and were trying to break up the fight. █████ described the incident as a "melee." She stated that █████ ended up on the floor and that furniture was moved during the fight. █████ explained that she was approximately ten to fifteen feet away from the incident. She did not remember █████ swinging a chair at Officer Shaar.

The police arrived and escorted █████ and █████ outside. █████ explained that █████ was very upset and had blood on her Blackhawks jersey.

In an **interview with IPRA** on July 30, 2015, **Witness** █████ stated that he was a patron at Portillo's on the night of the incident along with several friends. █████ videotaped a portion of the incident using his cell phone. █████ explained that while he was at Portillo's, Officer Shaar⁶ approached him, other customers, and █████ and told them that they had to finish their food and leave. █████ stated that when Officer Shaar asked █████ to leave, █████ threw a French fry or some other food item at Officer Shaar. Officer Shaar then took out his handcuffs and told █████ he was under arrest. █████ did not believe that Officer Shaar identified himself as a police officer. █████ stated that at this point he started filming the incident with his cell phone.

█████ stated that Officer Shaar started hitting █████ with handcuffs and was punching him in the face. █████ stated that Officer Shaar struck █████ at least five times. At some point, the manager jumped over the counter and a few other employees were trying to break up the incident. █████ stated that █████ was trying to push Officer Shaar away from him, but did not remember █████ striking or punching Officer Shaar.

█████ explained that at this point, the police arrived and he stopped taping. █████ stated that he was approximately five feet away from the incident.

In an **interview with IPRA** on December 12, 2016, **Witness** █████ stated that he and his adult son were customers at Portillo's the night of the incident. He explained that when they entered the restaurant, Officer Shaar⁷ approached them and said, "You have five minutes." █████ considered leaving because he found Officer Shaar's behavior to be aggressive, but decided to stay, at which time he ordered food and sat down to eat.

⁶ █████ was not aware of the security guard's name or the other customer's names at the time of the incident. For the purpose of clarity, these individuals will be referred to by name.

⁷ █████ was not aware of the names of the involved individuals at the time of the incident. For the purposes of clarity, the involved individuals will be referred to by name.

█████ stated that Officer Shaar approached a group of people sitting at a table a few feet away. He said that there was nothing unusual about the group of people but that Officer Shaar stormed away from the table. Several seconds later, Officer Shaar approached the table again. █████ saw Officer Shaar engage in a loud conversation with the █████ and heard █████ ask for his money back.

█████ said the next thing he saw was █████ being repeatedly punched by Officer Shaar. █████ did not see anything in Officer Shaar's hands as he was punching █████. █████ stated that █████ was attempting to block the punches and defend himself. He stated that █████ did not throw or swing a chair at Officer Shaar. █████ heard Officer Shaar tell █████ that he was under arrest.

█████ was not aware that Officer Shaar was a Chicago Police Officer until he saw him handcuff █████. He did not hear Officer Shaar identify himself as a police officer.

An IPRA Investigator scheduled in interview with Portillo's customer **Witness** █████. █████ went to the incorrect location then changed her mind about giving a statement. On June 17, 2015, she told an IPRA Investigator over the phone that she saw the security guard strike the victim and throw his tray of food.

Complainant Interviews:

In an **interview with IPRA** on June 20, 2016, **Victim** █████ stated that he went to Portillo's with his wife and son after the Blackhawks won the Stanley Cup. When they arrived, Officer Shaar⁸ told them the restaurant would be closing in five minutes. █████ proceeded to order food and when it arrived he sat down to eat with his family.

█████ stated that while he was eating, Officer Shaar approached their table and told him, "I thought I told you guys when you came in, we were closing." █████ told Officer Shaar, "Well we are almost done. When we're done, we will get out, leave us alone." █████ explained that the argument continued and that Officer Shaar grabbed a Styrofoam container containing French fries out of his hand and started to walk away. █████ then took the container of cheese that came with the fries and threw it at Officer Shaar and said "If you're going to take the fries you might as well take the cheese too."

█████ stated that at this point, Officer Shaar placed the container of fries on another table, turned back around and told the █████ they were creating a disturbance and he was going to call the police. █████ told Officer Shaar, "Please do. In the meantime, I'm going to finish my burger."

█████ stated that Officer Shaar picked up his phone, called 911 and told the operator that there was a person causing a disturbance and that he was going to arrest him. █████ also explained that either immediately before or after Officer Shaar called 911, Officer Shaar told him, "I'm one too," referring to the police. █████ stated, "[W]hich I thought kind of strange [sic]. He never identified himself as an officer. He had no markings on

⁸ No members of the █████ family were aware of the security guard's name at the time of the incident.

him that identified him as a police officer..... It struck me as a peculiar thing to say...I thought maybe he was a reserve cop or something.”

██████████ said that Officer Shaar went to grab his arm to handcuff him and that he pulled away into a defensive posture and told Officer Shaar to get away from him. Officer Shaar then put the handcuffs around his hand as if they were brass knuckles and started swinging at him. ██████████ said that Officer Shaar hit him once or twice. ██████████ denied hitting Officer Shaar. He also denied swinging a chair at Officer Shaar. He explained that he was trying to move a chair between himself and the security guard to create some distance.

██████████ explained that he ended up by the front entrance of the restaurant and felt “dopey.” He acknowledged that there are periods of time he does not remember. He stated that at some point he was handcuffed and that eventually the police arrived. When the police arrived they removed the handcuffs used by Officer Shaar and the uniformed officers re-cuffed ██████████ ██████████

██████████ stated that he was then taken to Northwestern Hospital. At the hospital he received stitches, was treated for internal bleeding near his eye and was scanned to check for brain and spinal damage.

In an **interview with IPRA** on June 20, 2016, ██████████ stated that she went to Portillo’s on the night of the incident with her husband and son. ██████████ stated that when they arrived, Officer Shaar informed them that the restaurant would be closing shortly, but they proceeded to order food and sit down to eat.

██████████ stated that while they were eating Officer Shaar came up to their table and told them in a loud and aggressive manner, “You have to go now.” She stated that it wasn’t clear that the man was a Portillo’s employee because he didn’t have a name tag or Portillo’s uniform on. The only thing ██████████ remembered about his clothing was that his shirt had ‘I’m not a team player’ written on the back, which she found to be unusual.

██████████ said that Officer Shaar came back to their table and aggressively told them they had to leave. Officer Shaar then took food out of her husband’s hands. In response, ██████████ took his cheese dip, tossed it at Officer Shaar and said, “Well if you’re taking my fries, you might as well have my cheese.”

██████████ stated that Officer Shaar came over to her husband, grabbed him by the arm, pulled him out of the chair and started punching him. She did not see anything in Officer Shaar’s hands when he was punching her husband. Officer Shaar started to yell, “I’m putting you under arrest.” ██████████ said that the other customers nearby started yelling to call the police, to which Officer Shaar replied, “I am a cop. I’m putting him under arrest.”

██████████ said that she tried to put herself between Officer Shaar and her husband to get him to stop. Officer Shaar eventually handcuffed her husband. She explained that the entire incident happened very fast. At some point, one of the managers arrived and kicked her son out of the restaurant. The police arrived shortly afterward. ██████████ explained that her husband was

taken to the hospital and received more than ten stitches over his eye. ██████ stated that her husband never threw a chair or punched Officer Shaar.

In an **interview with IPRA** on June 20, 2016, ██████ stated that he went to Portillo's on the night of the incident with his parents, ██████ and ██████. He stated that when they walked in, Officer Shaar told them, "You have five minutes." ██████ said he assumed Officer Shaar was a Portillo's employee based on his actions but nothing about his dress identified him as an employee. ██████ remembered the back of Officer Shaar's shirt had some type of writing along the lines of "I'm not part of a team."

██████ stated that his family ordered, sat down and started to eat their food. Officer Shaar came up to their table and again told them they had five minutes to finish eating and leave. ██████ stated that Officer Shaar stated the same to other customers at other tables.

██████ stated that when his family was halfway finished with their meal, Officer Shaar approached their table and said, "We are closed now." ██████ told Officer Shaar that they would finish their food. Officer Shaar replied, "You need to take your food and get out." According to ██████ his father told Officer Shaar, "Fuck off, we are going to finish our food that we paid for." Officer Shaar told the ██████ family that if they did not leave he would call the police. ██████ told Officer Shaar, "Okay." Officer Shaar told ██████ "I am one too," referring to the police. ██████ said that he did not believe Officer Shaar was a Chicago Police Officer because he was not conducting himself in a professional manner.

Officer Shaar then "ripped" ██████ food out of his hand. In response, Terrence threw a small container of cheese at Officer Shaar. The container did not hit Officer Shaar. Officer Shaar then got out his phone and called the police. When Officer Shaar approached the table, he pulled a pair of handcuffs out of his back pocket, came over to ██████ grabbed him by the wrist and pulled him out of his chair. ██████ told Officer Shaar, "Get away from me. Get off me." ██████ stated that his father's voice sounded "shaky and panic-ey [sic]." Officer Shaar then started punching ██████ with the handcuffs still in his hand. ██████ explained that his father was using his hands to try to cover his head.

██████ stated that he did not believe he could let Officer Shaar continue beating on his father so he tried to intervene by getting in the way. Officer Shaar told ██████ "Get the fuck away from me. He's [██████] under arrest."

Logan explained that his father was bleeding badly. There was blood on his clothes, his mother's clothes and all over the floor. People nearby were yelling for someone to call 911. At this point, ██████ got out his cell phone and started recording. The manager of Portillo's then removed him from the restaurant. Uniformed officers started to arrive when ██████ was outside on the sidewalk trying to record through the window. His father was then taken to the hospital.

██████ stated that his father did not verbally threaten Officer Shaar, punch Officer Shaar, nor did he pick up a chair or swing a chair at Officer Shaar.

CPD Interview:

Accused Officer Khaled Shaar made a statement to IPRA on November 25, 2015. He stated that on June 16, 2015 he was engaged in his secondary employment, working security for Portillo's restaurant. He explained that on the date of the incident he was wearing a t-shirt that was made for his previous tactical team. The shirt had a general police logo on the front and "We are not a team" written on the back. Officer Shaar stated that he was carrying either his service revolver or his off-duty revolver, but that it was concealed. He was also equipped with handcuffs, possibly a flashlight, and a radio issued by Portillo's.

Officer Shaar explained that the restaurant closes at midnight but they allow customers to come in until 12:05 a.m. He stated that security is only paid until 12:30 a.m., half an hour after the restaurant closes. Officer Shaar stated that [REDACTED] and his family arrived at the restaurant approximately fifteen minutes before closing time. He informed them when they arrived that the restaurant would be closing at midnight. Officer Shaar acknowledged that other customers arrived after the [REDACTED]

At approximately 12:15 a.m., Officer Shaar approached the [REDACTED] and told them that the restaurant had been closed for fifteen minutes and they were in the process of locking up. Officer Shaar estimated that a dozen other patrons were still in the restaurant at the time. Officer Shaar walked around and told the other customers the same thing. Officer Shaar stated that at approximately 12:21 a.m. he approached the [REDACTED] for a second time and told them that they were "locking up."

Officer Shaar stated that [REDACTED] mumbled something to him that he did not hear initially. He backed up and asked [REDACTED] what he said. [REDACTED] responded, "I don't care what you do. I'm not going anywhere." Officer Shaar told [REDACTED] the employees were starting to clean up to go home for the night. In response, [REDACTED] said, "Fuck you." Officer Shaar told [REDACTED] that Portillo's was a family restaurant and his language was out of place and he would have to leave. Officer Shaar stated that he told [REDACTED] he was a Chicago Police Officer working security at Portillo's.

Officer Shaar said that there was an empty tray or empty carton on the [REDACTED] table and that he took it and placed it on another table. Officer Shaar stated that he did so to start clearing the garbage from the table and to indicate to the [REDACTED] that they were no longer welcome. Officer Shaar told [REDACTED] that he could either walk out or that he would call 911 and have him arrested. Officer Shaar stated that he was on the phone calling 911 when [REDACTED] threw a cup of cheese sauce at him, which did not hit him.

Officer Shaar stated that he turned around and told [REDACTED] that he was going to jail and removed his handcuffs from his belt. He reached for [REDACTED] arm to try to handcuff him but [REDACTED] pulled away then pulled back and hit him in the face with his closed fist. Officer Shaar said that he did not hit [REDACTED] in the face with his handcuffs; that he was not hitting him sideways with the handcuffs, but rather straight on with his fists. He

⁹ Officer Shaar did not know the customers' names at the time of the incident. The involved individuals will be referred to by name for the purpose of clarity.

explained that he did not want to put his handcuffs away because he was still attempting to make an arrest. Officer Shaar said that he hit [REDACTED] several times because he had picked up a chair and was swinging it at him.

Officer Shaar said that the other family members had jumped into the fight and were trying to grab him. He stated that he kept saying that he was a police officer and that he was trying to make an arrest. Officer Shaar explained that eventually he was able to place [REDACTED] in handcuffs. Subsequently, uniformed Chicago Police Officers arrived.

When asked if he was acting in his capacity as a security guard or as a Chicago Police Officer, Officer Shaar stated, "It is kind of a fine line there... I mean they pay me to be a security guard at Portillo's. And as a security guard I have the right to put people out of [you know] the establishment if I deem they are causing a disturbance or whatever the case is. I asked him [REDACTED] to leave, which was within my right as a security guard. And when he wouldn't leave that's when I know as a police officer you [I] went to go [sic] arrest him."

Video Evidence:

Cell Phone Video Taken by Witness [REDACTED]

The video shows Officer Shaar on the phone and male voice says, "Give me my money back." Officer Shaar then grabs [REDACTED] by the arm. [REDACTED] pushes Officer Shaar away. A male voice says, "Get away from me." [REDACTED] is partially obstructing the view of Officer Shaar and [REDACTED]. Approximately 14 seconds into the video footage Officer Shaar is seen punching [REDACTED] in the face at least twice. [REDACTED] moves away from Officer Shaar so that his back is to the officer. [REDACTED] is hunched over a table as Officer Shaar punches him in the head two more times. It appears that Terrence Clark falls onto or grabs the back of a chair. The chair subsequently moves and partially falls over as the struggle continues.

Officer Shaar can be heard yelling words to the effect of, "He's under arrest! Get back! Get back! Throw something else at me! Throw something else at me!"

A female customer runs in front of the camera obstructing the view of Officer Shaar and [REDACTED]. [REDACTED] is seen placing her body in between [REDACTED] and Officer Shaar. A male voice is heard saying, "He's under arrest. Get on the ground." Officer Shaar and [REDACTED] move towards the door of the restaurant and are no longer in view of the camera.

Portillo's Ontario View Security Video 0015 until 100

The camera appears to be placed in an area over the [REDACTED] table and captures an overhead view of the incident. Approximately 4:50 into the footage, Officer Shaar approaches the [REDACTED] table. He then walks around the table and leans over near [REDACTED]. Officer Shaar appears to be making a call on his cell phone or radio. He then reaches over [REDACTED] the table, picks up an item, walks two tables over and sets the item on the table. [REDACTED] moves his hand in a motion consistent with an underhand toss and a small object is seen thrown at Officer Shaar as he walks away. Officer Shaar turns around and walks back towards the table.

Officer Shaar reaches toward his back pocket with his left hand, while his right hand appears to be holding a phone to his ear. Approximately 5:51 into the video, Officer Shaar grabs [REDACTED] and pushes him backwards into a table behind them. [REDACTED] then pushes Officer Shaar away from him. Approximately 5:53 into the video footage [REDACTED] moves his arm towards Officer Shaar's face. Officer Shaar is seen punching [REDACTED] in the head. [REDACTED] is moving away from Officer Shaar. Officer Shaar follows [REDACTED] and moves around [REDACTED] side so the two are face to face. [REDACTED] is attempting to intervene and Officer Shaar moves his arm in a manner consistent with throwing a punch but does not swing and hit anyone.

Approximately 6:01 into the video footage [REDACTED] places his hands on a chair. Officer Shaar punches [REDACTED] in the head twice. Approximately 6:04 into the video footage the chair appears off the ground near Officer Shaar's hand. [REDACTED] and [REDACTED] both are placing themselves between [REDACTED] and Officer Shaar, and at times obstructing the view of the altercation. Officer Shaar pushes them away and is seen leading [REDACTED] outside of the area captured by the camera.

Portillo's Center Patio Security Video 0015 until 100

Approximately 4:45 into the footage Officer Shaar is seen approaching the [REDACTED] table. Officer Shaar is leaning over the table and gesturing with his hands. Officer Shaar walks away from the table with an item in his hand. He places the item down on a nearby table. As Officer Shaar walks away, [REDACTED] is seen extending his arm. Officer Shaar turns back around and walks towards the table. Officer Shaar is holding his hand to his ear as if he were talking on the phone. Officer Shaar grabs [REDACTED] and appears to push him into the table behind him, moving the table. [REDACTED] is shown pushing Officer Shaar away from him. [REDACTED] has his back to Officer Shaar and Officer Shaar continues moving toward [REDACTED]. [REDACTED] is seen placing herself between Officer Shaar and her husband. [REDACTED] and Timothy [REDACTED] are partially obstructing the view, and appear to be intervening in the fight. [REDACTED] is seen grabbing his head as Officer Shaar leads him outside of the view of the camera.

Portillo's Guest Line Shot Security Video 001 until 100

Approximately 4:20 into the footage, Officer Shaar is seen approaching the [REDACTED] tables as other customers are walking around. Officer Shaar leans down near the table and appears to be using his cell phone or radio. A pole partially obstructs the view of the table, specifically where [REDACTED] is seated. Approximately 5:56 into the footage Officer Shaar is no longer leaning down and the table behind the [REDACTED] moves. Logan Clark and [REDACTED] get out of their chairs and are obstructing the camera's view of Officer Shaar and [REDACTED]. Officer Shaar is seen raising a hand in the air in a motion consistent with throwing a punch. All four individuals appear standing very close to each other and moving quickly, obstructing the camera's view. [REDACTED] is shown approaching the group. Officer Shaar is seen grabbing [REDACTED] by the arm and leading him away from the tables. [REDACTED] is shown pulling away from Officer Shaar. [REDACTED] is shown leading [REDACTED] towards the exit.

Portillo's Guest Line View Security Video 0015 until 100

Approximately 4:45 into the footage, Officer Shaar is seen approaching the [REDACTED] table. He then goes around the table and leans down towards [REDACTED]. Officer Shaar is seen walking away from the table with a small container in his hand, which he places on a nearby table. Officer Shaar then turns around and walks towards the [REDACTED] table. Officer Shaar has his hand to his ear as if he is on the phone. Officer Shaar then pushes [REDACTED] into the table behind him. Approximately 5:53 into the video, [REDACTED] moves his hands near Officer Shaar's face. [REDACTED] is seen pushing Officer Shaar away from him. At 5:59 [REDACTED] appears to grab a chair, and while holding it moves it away from Officer Shaar. At approximately 6:04 the chair leaves the ground. However, an obstructed view makes it difficult to determine why or how the chair leaves the ground.

Portillo's Expo View Security Video 0015 until 100

At approximately 4:45 into the footage, Officer Shaar is seen approaching the [REDACTED] table, which is largely off camera. Officer Shaar is seen walking away from the table with his hand to his ear as if he were on a phone. He then turns around and walks towards the [REDACTED] table. Approximately 5:58 seconds into the video [REDACTED] stands up. Officer Shaar is seen facing [REDACTED]. [REDACTED] has his hands up covering his face and head. At approximately 6:01 into the video, the chair near [REDACTED] moves. [REDACTED] is shown moving out of the area captured by the camera. [REDACTED] appears near Officer Shaar and [REDACTED] then moves away from Officer Shaar and Officer Shaar follows [REDACTED] and [REDACTED] place themselves in between Officer Shaar and [REDACTED]. [REDACTED] has his hands up over his face. Officer Shaar is seen moving his hand backwards in a swinging motion toward [REDACTED]. Officer Shaar is seen leading [REDACTED] away from the table and toward the doorway.

Cell Phone Video taken by [REDACTED]

Officer Shaar is seen handcuffing [REDACTED]. [REDACTED] face is red. [REDACTED] says, "You took my food away." Officer Shaar replies, "After you cursed at me." [REDACTED] says, "This is fucking ridiculous." [REDACTED] moves in front of the camera. [REDACTED] asks Officer Shaar, "Is that a reason to punch somebody in the face? You can punch somebody in the face for swearing at you?" Officer Shaar responds, "Yeah." [REDACTED] is screaming, "You assaulted him. He didn't assault you." [REDACTED] is moving in front of [REDACTED] guiding him towards the door. [REDACTED] tells [REDACTED] that his wallet is still in the restaurant. [REDACTED] tells [REDACTED] that he will get his wallet and that the restaurant is closed as he continues to escort him towards the door.

The footage continues through a window and Chicago Police Officers are seen entering the restaurant. [REDACTED] is seen talking to a woman leaving the restaurant. He tells her, "That is my dad, he just got his ass beat for eating a burger." Another male voice says, "We witnessed that all, we are staying here," implying that he would be a favorable witness for the [REDACTED]. Multiple people are speaking at the same time, making it difficult to hear what each person says. A woman's voice is heard repeatedly saying, "He bust [sic] that man's head open. That shit is wrong." [REDACTED] is heard asking if anyone got the incident on video. A male voice is heard saying, "The man who is the security guard here, he is way out of line."

CPD Reports:

██████████ **Arrest Report**, which was authored by Officer Ellitch on June 16, 2015, states that ██████████ ██████████ threw a cup of cheese, struck an off duty CPD Officer working security with a chair and with closed his fists after the CPD Officer announced his office. ██████████ was charged with aggravated assault of a peace officer.

Officer Shaar's **Tactical Response Report** classified ██████████ as a passive resister who did not follow verbal directions and stiffened, as an active resister who pulled away, and as an assailant engaged in a battery both with and without a weapon, but did not specify what was used as a weapon.

Officer Ellitch's **Original Case Incident Report**, dated June 16, 2015, reveals that Officer Shaar stated to responding officers that ██████████ ██████████ became belligerent and told him, "Do whatever the fuck you have to do. I'm not leaving," and threw a cup of cheese at him. Officer Shaar told the responding officers that he announced his office and was attempting to arrest ██████████ when ██████████ struck Officer Shaar with closed fists and swung a chair, hitting Officer Shaar. Officer Shaar stated to the responding officers that he defended himself by striking ██████████ in the head and the face with his right hand, which was holding a set of handcuffs.

The **Detective's Supplemental Report** (recorded under RD # ██████████), which was authored by Detective John Jurek, documents the detective's investigation into this incident. The detective interviewed Sergeant Mammoser, who arrived on scene in response to the incident. Sergeant Mammoser stated that when he arrived, Officer Shaar had ██████████ in custody with one wrist in handcuffs. The detective interviewed Officer Shaar who stated that when he tried to place ██████████ in custody ██████████ struck him in the face and body four or five times. Officer Shaar told the detective that in defense he struck ██████████ in the face and body. Officer Shaar stated that ██████████ flung a chair at him, which hit him in the lower body.

The report indicates that the detective also reviewed the surveillance video from Portillo's and found it to be consistent with Officer Shaar's statement. The detective interviewed ██████████¹⁰, who stated that she called 911. She told the detective that the security guard tried to handcuff an argumentative customer, the customer pushed away, and the two began to fight. Detective Jurek requested that the case be cleared and closed by arrest and prosecution.

The **Crime Scene Processing Report**, which was approved on June 16, 2015 states that both ██████████ and Officer Shaar were photographed and that Officer Shaar's handcuffs were inventoried.

Audio Evidence:

Three 911 calls were made relative to this incident. One caller reported a person being belligerent at Portillo's and that the man "threw something at me." The caller left the line and

¹⁰ This appears to be the same person as ██████████.

engaged in an argument. The second caller reported that a security guard assaulted a man. The caller stated that she didn't know the man but reported that his face was "busted" and told the operator that he likely needed an ambulance. The third call confirmed that the incident involved an off-duty officer and that CPD officers arrived at the scene.

Medical Evidence:

The **Chicago Fire Department ambulance report** reveals that [REDACTED] told paramedics he was "jumped" in a restaurant. He had a two-inch laceration on the right side of his head. [REDACTED] was transported to the emergency room at Northwestern Memorial Hospital without incident.

Medical records from Northwestern Memorial Hospital confirm a laceration to the head and state that the laceration was treated with sutures.

An **Injury on Duty Report** was completed for Officer Shaar on June 16, 2015, which states that he sustained an injury to his right hand including his fingers and knuckles which consisted of swelling, bruising, and lacerations.

[REDACTED]
Inv. Jacqueline Hennard, #34

[REDACTED]
Inv. Ramona Hendricks, #33

Approved:

[REDACTED]

IPRA Supervisor Regina Holloway, COPA

ANALYSIS:

On November 25, 2015, Officer Shaar was presented with allegations that 1) he failed to properly identify himself as a police officer; 2) he engaged in an unjustified verbal altercation; and 3) he engaged in an unjustified physical altercation, specifically that he struck [REDACTED] about the face with handcuffs without justification.

Failure to properly identify himself as a Chicago Police Officer

General Order 03-02-02 Section II D-E states, "Members will maintain a courteous and professional demeanor when dealing with the public. Before taking any police action, sworn members will identify themselves as police officers unless such identification will jeopardize the safety of the member or others or would compromise the integrity of the investigation."

Officer Shaar stated that he identified himself as a Chicago Police Officer prior to taking police action, specifically the arrest of [REDACTED] a Portillo's employee, corroborated Officer Shaar's claim that he properly announced his office. According to [REDACTED] Office Shaar stated that he was a "Chicago cop," but also used language that could be considered unnecessary, discourteous and unprofessional, by asking, "Do you know who I am?" [REDACTED] another Portillo's employee, heard Officer Shaar say that he would arrest the customer but did not specifically hear him identify himself as a Chicago Police Officer, which neither corroborates nor refutes Officer Shaar's claim he properly identified his office.

The statements from civilian customers and in conjunction with Officer Shaar's attire support a finding that Officer Shaar did not effectively communicate he was a Chicago Police Officer. Officer Shaar was not in uniform; his badge was not displayed. His clothing did not characterize him as a Chicago Police Officer. The front of Officer Shaar's shirt displayed a star near the chest pocket area that reads "Chicago Police" and identified district 002 District Tactical Team in a manner consistent with what might be used for the official capacity of the Chicago Police Department. However, the back of his shirt displayed large lettering that reads, "THIS IS NOT A TEAM." The lettering on the back of the shirt is more prominent than the logo on the front and is inconsistent with officially issued Chicago Police Department attire.

The customer witnesses and victims made comments about the back of the shirt but not the front, indicating that it affected their ability to determine Officer Shaar's role. Witnesses commented that the clothing was unusual for a restaurant environment. Few of the witnesses believed that Officer Shaar was associated with the Chicago Police Department due to his attire and attitude. Perhaps most importantly, the [REDACTED] were not under the immediate belief

An Officer who is not in uniform must be able to effectively communicate to others that he or she is a Police Officer. Officer Shaar might have made some comment indicating that he was "the police." However, after evaluating the totality of the circumstances, it is apparent that Officer Shaar did not effectively communicate to the [REDACTED] civilian customers, or witnesses that he was a Chicago Police Officer with the proper authority to conduct an arrest.

Both [REDACTED] and [REDACTED] heard Officer Shaar say, "I am one too," in reference to the police. Neither [REDACTED] nor [REDACTED] believed Officer Shaar to be a Chicago Police Officer. [REDACTED] believed he was a "reserve cop" due to his unprofessional demeanor. [REDACTED] also doubted that Officer Shaar was acting in any type of official capacity due his conduct. [REDACTED] stated that he did not understand Officer Shaar was an off-duty officer until his father was handcuffed and other uniformed officers arrived. [REDACTED] also stated she was unaware Officer Shaar was a Chicago Police Officer until he handcuffed her husband.

Engaging in an Unjustified Verbal Altercation

It is undisputed that there was an argument between Officer Shaar and [REDACTED] about whether or not the [REDACTED] family had to leave Portillo's. However, the crux of the argument between Officer Shaar and the [REDACTED] was based on their expectations of proper customer service at a restaurant. It was reasonable for Officer Shaar to request that the [REDACTED] leave the restaurant after it closed, though it is noted that at the time he made this request, there were many patrons in the establishment who were still eating. The nature of the argument between Officer Shaar and [REDACTED] is so closely tied to Officer Shaar's secondary employment as a security guard that it is found to be a customer service issue and not an action that falls within the scope of the Department's rules.

The verbal altercation was short and quickly escalated to a physical altercation, which will be analyzed in the following section. There is nothing to indicate that Officer Shaar used inappropriate language toward [REDACTED] any member of his family or other customers. Further there is nothing to indicate that Officer Shaar referred to [REDACTED] any member of his family or other customers by any offensive or derogatory names.

Engaging in an Unjustified Use of Force¹¹

The surveillance footage captures the incident from multiple vantage points. CPD's Policy regarding the use of force is identified in General Order 03-02-03 and 03-02-1, which were in effect on June 15, 2015. The policy states, "The Department utilizes a Use of Force Model to provide guidance on the appropriate amount of force to be used to effect a lawful purpose. The Use of Force Model employs the progressive and reasonable escalation and de-escalation of member-applied force in proportional response to the actions and level of resistance offered by a subject. Such response may progress from the member's actual presence at the scene to the application of deadly force."

I. Classification of [REDACTED] within the Use of Force Continuum

According to the CPD use of force continuum, justified force is determined based on the actions of the subject. 03-02-02 defines an Active Resister as a person whose actions attempt to create distance between that person and the member's reach with the intent to avoid physical control and/or defeat the arrest. This type of resistance includes gestures ranging from evasive movement of the arm, flailing arms, or full flight by running.

¹¹ For purposes of clarity all allegations involving the use of force will be analyzed in this section.

actions during the initial moments of the physical altercation fit the description of an active resister. He is attempting to avoid physical contact when he moves away from Officer Shaar after being grabbed and pushed. is seen pushing Officer Shaar only after Officer Shaar grabs This can be considered an evasive movement of the arms, and can reasonably be interpreted as an action more likely taken to create distance, as opposed to the actions characterized by a low-level assailant.

A low-level assailant's actions are characterized by a subject who is aggressively offensive without weapons, who places a member in fear of a battery. It includes advancing on the member in a threatening manner or closing the distance between the assailant and the member. While the view of the surveillance footage shows moving his hands near Officer Shaar's face, it is not clear if he is attempting to throw a punch or push Officer Shaar away in an attempt to create distance. As Officer Shaar does not have injuries consistent with being punched in the face or head. It is more likely than not that action is best classified as a push or as flailing of the arms to create distance.

This is especially true at 5:58 into the surveillance video footage. At this point, is actively moving away from Officer Shaar. has his back to Officer Shaar. is shown with his hands over his head in what can reasonably be interpreted as an attempt to protect his face and head.

The investigation resulted in conflicting statements about whether swung a chair at Officer Shaar. Officer Shaar and both state that swung a chair at Officer Shaar. denied doing so, and members of the family and other customers did not see swing a chair at Officer Shaar. The video footage does not depict swinging a chair. The surveillance footage from the guest-line view shows placing his hands-on a nearby chair. However, the only unobstructed footage shows the chair moving away from Officer Shaar. After considering all available video footage and weighing the various statements, it appears more likely than not that used the chair to steady himself after being struck in the head several times with a blunt object; as opposed to using the chair as a weapon against Officer Shaar. This is especially true because this occurs when is attempting to move away from Officer Shaar.

In the video footage, is seen attempting to move away from Officer Shaar and not to close the distance between the two. As the incident progresses Officer Shaar is shown coming to the side of and punching him in the head, while back is facing the Officer. Terrence is not seen striking Officer Shaar. Officer Shaar sustained injuries to his hand, which are consistent with the effects of punching with metal handcuffs. However, Officer Shaar does not have other visible injuries. The cell phone footage taken by captures him asking Officer Shaar the rationale for punching his father. Without time to prepare, Officer Shaar states that he punched in the head because he swore at him. Officer Shaar does not allege in the video that swung a chair at him or that any other conduct occurred that would justify the use of force.

II. Analysis of Level of Force Used

According to General Order 03-02-02, stunning maneuvers, defined as diffused pressure striking or slapping, are considered a justified use of a force against an active resister. For the reasons analyzed above, [REDACTED] should be classified as an active resister. The use of the techniques may have been appropriate if Officer Shaar had employed them.

However, Officer Shaar used direct mechanical strikes, to include closed hand punches, that would only be appropriately used against an assailant, which [REDACTED] was not. This level of force was exacerbated by his use of his handcuffs as a weapon used to strike [REDACTED]. While the use of closed hand strikes appears to be a violation of the use of force policy, the employment of the handcuffs as a weapon certainly classifies Officer Shaar's actions as being in violation of established policy regarding the use of force.

Further, it is worth pointing out that Officer Shaar has a duty to reevaluate and deescalate the level of force used as dictated by the subject's actions. In this case, as the physical altercation progresses, [REDACTED] is no longer pushing Officer Shaar. He is attempting to move away from the Officer, and keep from being hit further. In the midst of being hit, [REDACTED] back is facing the officer. At this point, Officer Shaar continues to punch [REDACTED] in the face. When [REDACTED] ceases to be a threat to Officer Shaar, and is shown moving away from the Officer, and guarding himself against further blows, Officer Shaar then has a duty to reevaluate his use of force. Officer Shaar did not cease striking [REDACTED] even though [REDACTED] did not pose a threat. Officer Shaar's final punches should be viewed as even more egregious than his initial blows.

Based on the above analysis we sustain the allegations that Officer Shaar failed to properly identify himself as a police officer and that he used unjustified force against [REDACTED] specifically punching him in the face using handcuffs. We find the allegation that Officer Shaar engaged in an unjustified verbal altercation to be unfounded.

CONCLUSION:

COPA recommends a finding of **Sustained** for **Allegations #1 and #3** against **Officer Khaled Shaar, #9039**, that Officer Shaar failed to properly identify himself when asked by [REDACTED] and engaged in an unjustified physical altercation when he struck [REDACTED] about the face with his handcuffs without justification.

COPA recommends a finding of **Unfounded** for **Allegation #2** against Officer Khaled Shaar, #9039, that Officer Shaar engaged in an unjustified verbal altercation with [REDACTED]

[REDACTED]
Deputy Chief Administrator Josh Hunt, COPA

FINDINGS:

Accused: **Officer Khaled Shaar, #9093:**

Allegation #1: **SUSTAINED** – Violation of Rule #37: “Failure of a member, whether on or off duty, to correctly identify himself by giving his name, rank, and star number when so requested by other members of the Department or by a private citizen,” in that on 16 June 2015, at approximately 0021 hours, at Portillo’s Restaurant, located at 100 West. Ontario, Officer Shaar failed to identify himself when asked by a private citizen.

Allegation #2: **UNFOUNDED**

Allegation #3: **SUSTAINED** – Violation of Rule #2: “Any action or conduct which impedes the Department’s efforts to achieve its policy and goals or brings discredit upon the Department,” “Violation of Rule #8: Disrespect to or maltreatment of any person, while on or off duty,” and “Violation #9: “Engaging in any unjustified verbal or physical altercation with any person, while on or off duty.”