

## SUMMARY OF INCIDENT

On June 13, 2016, Officer Anthony Rosen and Officer Terrence Pratscher were on duty on routine patrol when they attempted to conduct an investigatory narcotic stop on a subject, now known to be Mr. [REDACTED]. A foot chase ensued, and Officer Pratscher was able to grab Mr. [REDACTED]'s shirt and pull Mr. [REDACTED] down in the street near 3927 W. Greenshaw Street. A crowd of civilians began to form and were encroaching upon Officer Pratscher and Mr. [REDACTED] as they struggled on the ground while Officer Pratscher was attempting to apprehend Mr. [REDACTED]. Officer Rosen arrived on the scene in his police vehicle and used verbal commands to instruct the encroaching crowd to back away from the area where Officer Pratscher was attempting to handcuff Mr. [REDACTED]. Mr. [REDACTED] bit Officer Pratscher's finger, causing puncture wounds to his right hand. Mr. [REDACTED]'s bite caused Officer Pratscher to lose body leverage over Mr. [REDACTED], who was then able to turn his body so that he was face up with his back on the ground. From this position, Mr. [REDACTED] actively resisted arrest and attempted to cause harm to Officer Pratscher through use of his arms, hands, and fists. Mr. [REDACTED] reached up and grabbed Officer Pratscher near his neck. In response to verbal communications of distress from Officer Pratscher, Officer Rosen delivered a leg strike to the left side of Mr. [REDACTED]'s head, which caused Mr. [REDACTED]'s grip on Officer Pratscher's neck to loosen. The civilians in the crowd became increasingly agitated and hostile upon Officer Rosen's leg strike to Mr. [REDACTED], and began to scream and yell threats and obscenities at the officers. Officer Pratscher continued to attempt to gain control of Mr. [REDACTED]'s arms and hands to place them in handcuffs. Officer Rosen knelt on the ground to assist Officer Pratscher in handcuffing Mr. [REDACTED], and delivered a knee strike to Mr. [REDACTED]'s head. Two other police officers arrived at the scene and proceeded to attempt to control the increasingly agitated crowd and were able to assist Officer Pratscher in finally handcuffing Mr. [REDACTED]. Other responding police officers that arrived on the scene, along with Officer Rosen, then continued to attempt to control the large agitated crowd, which had grown to somewhere between approximately twenty (20) and fifty (50) civilians.

An ambulance on the scene administered medical attention to Mr. [REDACTED]. Mr. [REDACTED] was conscious but was not responsive to verbal commands while medical aid was being administered to him by paramedics. Mr. [REDACTED] continued to move his body around while he was receiving medical attention, which led CPD to handcuff him to the backboard. Mr. [REDACTED] was transported to Mount Sinai Hospital where he was examined for injuries. Mr. [REDACTED] was subsequently released without charge.<sup>1</sup>

## ALLEGATIONS

It is alleged that on June 13, 2016, at approximately 3:15 p.m., near [REDACTED] Chicago, IL, **Officer Anthony Rosen, #11430;**

- 1) Yelled, "Get the fuck back" at civilians at the location of the incident;
- 2) Kicked Mr. [REDACTED] in the head and/or face;
- 3) Delivered a knee strike to Mr. [REDACTED]'s head
- 4) Pointed at civilians at the location of incident and stated, "bring it motherfucker, bring it. Do something."

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<sup>1</sup> CPD subsequently arrested Mr. [REDACTED] on June 16, 2016 in connection with the events that occurred on June 13, 2016. (Att. 26) The events that occurred in connection with the June 16, 2016 arrest are not discussed in this report and are not considered a part of the investigation into the use of force during the incident on June 13, 2016.

## APPLICABLE RULES AND LAW

### Rules

- **Rule 02:** Prohibits any action or conduct which impedes the Department's efforts to achieve its policy and goals or brings discredit upon the Department.
- **Rule 08:** Prohibits disrespect to or maltreatment of any person, while on or off duty.
- **Rule 09:** Prohibits engaging in any unjustified verbal or physical altercation with any person, while on or off duty.

### General Orders

- **G03-02-01:** Use of Force Model
- **G03-02-02:** Force Options
- **G03-02-03:** Deadly Force

### Illinois State Statute

A peace officer's permissible use of force in making an arrest is codified under 720 ILCS 5/7-5 (1986). The pertinent part of the statute states that:

...a peace officer, or any person whom he has summoned or directed to assist him, need not retreat or desist from efforts to make a lawful arrest because of resistance or threatened resistance to the arrest. He is justified in the use of any force which he reasonably believes to be necessary to effect the arrest and of any force which he reasonably believes to be necessary to defend himself or another from bodily harm while making the arrest. However, he is justified in using force likely to cause death or great bodily harm only when he reasonably believes that such force is necessary to prevent death or great bodily harm to himself or such other person, or when he reasonably believes both that:

- (1) Such force is necessary to prevent the arrest from being defeated by resistance or escape; and
- (2) The person to be arrested has committed or attempted a forcible felony which involves the infliction or threatened infliction of great bodily harm or is attempting to escape by use of a deadly weapon, or otherwise indicates that he will endanger human life or inflict great bodily harm unless arrested without delay.

### Constitutional Standards

Determinations regarding the potential use of excessive force during an arrest, investigatory stop, or other seizure are properly analyzed under the Fourth Amendment's objective reasonableness standard. The question is whether the officer's actions are objectively reasonable considering the facts and circumstances confronting them, without regard to their underlying intent or motivation. *Graham v. Connor*, 490 U.S. 386, 397 (1989). See *Estate of Phillips v. City of Milwaukee*, 123 F.3d 586, 592 (7th Cir. 2003). The following factors are instructive in making the determination of whether an officer's use of force is reasonable: (1) "the severity of the crime at issue;" (2) "whether the suspect poses an immediate threat to the safety of the officers or others;" and (3) whether he is actively resisting arrest or attempting to evade arrest by flight." *Graham*, 490 U.S. at 396 (citing *Tennessee v.*

*Garner*, 471 U.S. 1, 8-9 (1985)). This reasonableness calculation “must embody allowance for the fact that police officers are often forced to make split second judgments—in circumstances that are tense, uncertain, and rapidly evolving—about the amount of force that is necessary in a particular situation.” *Graham*, 490 U.S. at 396-97. Consequently, “when an officer believes that a suspect’s actions [place] him, his partner, or those in the immediate vicinity in imminent danger of death or serious bodily injury, the officer can reasonably exercise the use of deadly force.” *Muhammed v. City of Chicago*, 316 F.3d 380, 383 (7th Cir. 2002) (quoting *Sherrod v. Berry*, 856 F.2d 802, 805 (7th Cir. 1988) (*en banc*) (omitting emphasis)).

## INVESTIGATION

IPRA<sup>2</sup> obtained relevant video, audio, medical, and documentary evidence associated with this incident. Additionally, IPRA interviewed civilians who witnessed various aspects of this incident, in addition to members of the Chicago Fire Department, including CFD paramedics, Chicago Police Department Officers Pratscher, Accused Rosen, and CPD officers who arrived at the scene in response to Accused Officer Rosen’s call for backup.

The following is a summary of the evidence obtained and analyzed by IPRA in this investigation:

### Video & Audio Evidence

Some civilians in the crowd had video recorded portions of the incident on their mobile phones. Some of these videos were sent to local news and uploaded on social media. IPRA obtained certain video evidence pertaining to this incident from a variety of sources. IPRA also obtained audio evidence from 911 calls made by civilians who were at the scene during the incident.

#### **Video Recordings by Civilians**

The **videos** posted on social media and sent to local news channel Fox32 capture activity after Officer Rosen had arrived on the scene while Officer Pratscher was struggling with Mr. ██████ on the ground in the street.

The **videos** of the incident that ██████ recorded on his mobile phone were obtained by IPRA with the assistance of the **Federal Bureau of Investigations (FBI)**, who extracted the recordings directly from Mr. ██████ iPhone with Mr. ██████ consent. (Atts. 96; 98) The first video is 01:29:00 long and begins with Officer Pratscher and Mr. ██████ struggling with each other on Grenshaw Street. Officer Rosen arrives in a black colored unmarked police vehicle. Officer Pratscher’s holstered weapon is visible on the right side of his body attached to his belt. Officer Rosen yells verbal commands to civilians, telling them to “get back.” Officer Pratscher tells Mr. ██████ not to bite him and the two continue to struggle on the street. Officer Rosen calls for backup on the police radio. Mr. ██████’s hands can be seen extended around Officer Pratscher’s neck, pushing Officer’s Pratscher’s head back. Officer Pratscher says to Officer Rosen “Tone, what the fuck bro” and gets Officer Rosen’s attention. Officer Rosen turns around away from the camera and steps towards Officer Pratscher and Mr. ██████. In an apparent response to the distress of his partner, Officer Rosen kicks Mr. ██████ in the head. Mr. ██████’s head appears to hit against the pavement and his eyes appear to be closed. The crowd can be heard yelling at the officers and reacting angrily to Officer Rosen’s use of force. Officer Rosen then focuses his attention back to the

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<sup>2</sup> On September 15, 2017, the Civilian Office of Police Accountability (COPA) replaced the Independent Police Review Authority (IPRA) as the civilian oversight agency of the Chicago Police Department. Thus, this investigation, which began under IPRA, was transferred to COPA on September 15, 2017, and the recommendation(s) set forth herein are the recommendation(s) of COPA.

civilians on the street and orders them to “get the fuck back.” Civilians can be seen walking around and approaching Officer Rosen, including [REDACTED] who was later arrested at the scene for aggravated battery on a peace officer and resisting or obstructing a peace officer.<sup>3</sup> The person recording the video appears to move away from Officer Rosen and voices can be heard yelling “get the license plate” and “he’s unconscious.” Officer Rosen and Officer Pratscher appear to be attempting to handcuff Mr. [REDACTED] who is still lying in the street. Officer Pratscher is still on top of Mr. [REDACTED] and Officer Rosen is kneeling over Mr. [REDACTED] with his right knee near Mr. [REDACTED]’s head. Officer Rosen’s back is facing the camera that is recording the incident, obstructing the view of Mr. [REDACTED]’s arms and upper body. Officer Rosen lifts his right knee off the ground and delivers a knee strike to Mr. [REDACTED]’s head. While Officer Rosen was kneeling near Mr. [REDACTED], a male voice in the civilian crowd can be heard saying “they puttin’ they knees in his face and everything, hey ya’ll some bitches, ya’ll going to die. Ya’ll going to end up dead. All ya’ll bitches gonna end up dead.” Officers begin to arrive on the scene. An officer [Officer Luevano] immediately assists Officer Pratscher and Officer Rosen in handcuffing Mr. [REDACTED] while another officer [Officer Kapor] addresses the crowd instructing them to stay back. A female voice in the civilian crowd can be heard saying “they just kicked him unconscious.” (Att. 97)

The second video is 04:45:00 long and begins with several officers on the street. Some officers appear to be adjusting or securing the handcuffs on Mr. [REDACTED], who is lying face down on the street. Officer Rosen approaches the crowd, points his finger towards the civilians, and addresses a civilian, saying “bring it motherfucker, bring it. Do somethin’.” A middle finger from an unidentified civilian can be seen directed towards Officer Rosen. The camera moves around, showing several police officers and civilians in the area. Voices can be heard yelling obscenities at the police. The officers on scene are formed in a line, attempting to get the crowd to back up onto the sidewalk. Mr. [REDACTED] can briefly be seen in the video, laying face up on the street while officers attempt to stand him up. The camera pans away. A few seconds later, the camera shows Mr. [REDACTED] lying face up in the street, not moving, with Officer Pratscher standing near him. Yelling from the crowd can be heard, as the camera pans towards a scene where officers appear to be in the process of detaining [REDACTED] who is on the ground on the sidewalk. Officers can be heard telling the crowd to get off the block. (Att. 97).

IPRA obtained a video from local news channel Fox 32 that was posted on its Facebook page. The video appears to come from at least two (2) various sources and is 00:41:00 long. The video footage begins with Officer Pratscher and Mr. [REDACTED] struggling with each other on the ground on Grenshaw Street. Officer Pratscher tells Mr. [REDACTED] not to bite him. Officer Rosen calls for backup on a police radio. Mr. [REDACTED] appears to be choking Officer Pratscher. Officer Pratscher and Officer Rosen begin to handcuff Mr. [REDACTED]. Two additional officers arrive on the scene. The video seamlessly shifts to a secondary angle suggesting that it was filmed from a second, unknown source. The second video appears to be filmed from a greater distance than the first video, although the perspective zooms in after several seconds. Officer Pratscher is positioned on top of Mr. [REDACTED], and Officer Rosen is kneeling over Mr. [REDACTED] as both officers’ attempt to handcuff Mr. [REDACTED]. Officer Rosen lifts his right knee back off the ground and delivers a knee strike to Mr. [REDACTED]’s head. (Att. 90).

IPRA also obtained videos from CPD News Affairs regarding the incident. One video appears to be the video taken with [REDACTED] mobile phone. The other video is a news clip that includes a reporter briefly interviewing [REDACTED] and Mr. [REDACTED]’s mother. (Atts. 101; 102)

OEMC audio transmissions (911 Calls and Police Radio information) from June 13, 2016, pertaining to the scene unfolding on Grenshaw Street were requested, acquired, and reviewed by IPRA. The police radio records reflect a foot pursuit of a black male coming out towards a vacant lot on Grenshaw Street at approximately

<sup>3</sup> See Att. 16 (IR# 2160583). The Illinois Juvenile Court Act of 1987 restricts the records that can be publicly disclosed pertaining to minors. As such, IPRA will not release the name of the juvenile arrested at the scene on June 13, 2016.

3:16 p.m. A "10-1" was recorded at approximately 3:18 p.m. (Att. 50) Six (6) calls were made to 911 from four (4) different phone numbers between approximately 3:18 p.m. and 3:28 p.m. on June 13, 2016. (Att. 50) A summary of those 911 calls is below:

A **911 call** was received at **3:18 p.m.** and again from the same phone number at **3:20 p.m.** from a female caller who was later confirmed to be [REDACTED]. The female caller states that police officers are "jumping on this young man" and that he "is having a seizure and they are still jumpin' on him and fightin' him." The female caller repeats that the police are "focused as hell" and states that the police hit the man "in the face and he is havin' a fuckin' seizure." Shouting can be heard in background and after a few seconds, the female caller states that "police officers just stomped this man out and he is having a seizure and they just stomped him to death," requesting an ambulance and stating that "he is not movin', at all." The dispatcher connects to the fire department and the female caller again requests an ambulance be sent to Grenshaw Street. The female caller states that a young man is laying on the ground, and that "the police officer was chasing him at first, then he grabbed him and he pulled him to the ground. Now the young man was on the ground, and ... the other police officer walks up and starts stomping him all in his face" and then "he starts going into a seizure and they still got him laid up on the ground." The dispatcher informs the female caller that the ambulance has been dispatched and is on the way. The female caller seems distressed and expresses concern that the man could be dying before making statements that the police treatment of young men in the black community is "sad," "ridiculous," and "dead wrong." (Atts. 105, 107)

A **911 call** was received at **3:22 p.m.** from a male caller. Voices and shouting can be heard for a few seconds before the male caller states that an ambulance is needed at Grenshaw Street. The male caller states that "the police just beat this man unconscious." (Atts. 110; 111)

A **911 call** was received at **3:23 p.m.** from a male caller requesting an ambulance, and stating to both the 911 dispatcher and CFD dispatcher that that the police "beat up my motherfuckin' brother for nothin'." The CFD dispatcher informs him that an ambulance has been dispatched and the caller hangs up. (Atts. 108; 109)

A **911 call** was received at **3:23 p.m.** from a female caller requesting an ambulance be sent to Grenshaw Street because there is "a boy just layin' out here in the middle of the street." After being connected to fire department, the caller states there is "a guy layin' down here on the ground" and that the police "jumped the man and then beat him." Shouting can be heard in the background. (Atts. 112; 113)

A **911 call** was received at **3:28 p.m.** from the same wireless number that called at 3:18 p.m. and 3:20 p.m., from a female caller later confirmed to be [REDACTED]. The female caller asks why an ambulance has not arrived yet, states that a man is laid out on the ground and that the police "stomped him out," and that he "had a seizure and is not moving, at all." The female caller states that she has been calling for an ambulance for ten or fifteen minutes, then she indicates that the ambulance is arriving on the scene and ends the call. (Atts. 114, 115)

#### **Additional Information – Other Videos**

**OEMC POD Camera 640** was also requested and acquired by **IPRA**. **POD 640** is located at 3899 W. Grenshaw Street. The **POD** video began at 3:14:59 p.m. and concluded at approximately 4:15 p.m. At 3:16:51, a dark unmarked Ford Explorer is seen exiting the south alley of Grenshaw Street. At 3:20:08, the first of six (6) police vehicles arrives on Grenshaw Street. Civilians are seen walking and running down the street towards the incident. The street is crowded with vehicles, including police vehicles, and by 3:22 p.m. a large crowd can be seen gathered towards the middle of the block where the incident occurred. (Att. 46)

**IPRA** canvassed the area near the incident on June 16, 2016 and attempted with limited success to obtain surveillance videos from buildings in the area where security cameras were observed. (Att. 92) IPRA obtained video surveillance footage from June 13, 2016 from **Deer Rehabilitation Services**, located at 3936 W. Roosevelt Road in the area of Pulaski and Grenshaw Street. The footage did not capture the incident or provide any video footage that was determined to be of evidentiary value by IPRA in this investigation. (Att. 93)

**In-Car Camera for Beat 1011** shows officers arriving on scene, running towards a large group of civilians that have gathered further down the street, which is blocked by many vehicles. (Att. 72)

**In-Car Camera for Beat 1123** shows officers driving and responding to a 10-1 call over the radio. When the vehicle pulls up to Grenshaw Street, a large crowd of civilians are gathered near a black unmarked Ford Explorer parked in the middle of the street. There is a degree of commotion as the officer's attempt to get the crowd to back away from the street. Some civilians in the crowd are visibly agitated and appear to be yelling towards the police who are trying to control the crowd. (Att. 75)

**In-Car Cameras for Beats 1131 and 1133** show officers in their respective vehicles driving and responding to a 10-1 call over the radio. Both vehicles park on Grenshaw Street once they arrive on the scene and officers can be seen in the videos running towards the incident. There is yelling heard on the recordings, including obscenities being directed towards police officers. A partial view of a gathering crowd of civilians on the sidewalk can be seen. The videos show both officers and civilians walking towards the location of the incident. The videos also show at least six (6) officers escorting a black male juvenile, [REDACTED] who is handcuffed with his hands behind his back away from the scene and towards police vehicles. The black male is using profanity and yelling threats at the officers, repeatedly calling an unidentified officer a "bitch."<sup>4</sup> Police officers can be seen dispersing part of the crowd away from the scene, following behind several male civilians walking westbound on Grenshaw Street. The videos also depict a black male being wheeled away from the scene on a stretcher at 3:35 p.m. (Atts. 77, 78)

**Other In-Car Cameras** for Beats 1023, 1121, 1125, and 1193 for June 13, 2016, did not provide any known video footage of evidentiary value in this investigation. (Atts. 73; 74; 76; 79)

### **Initial Information Obtained**

**IPRA canvassed** the area of the incident for potential witnesses on June 14, 2016. The following is a summary of the information obtained during the canvass.

IPRA investigators canvassed the area of the 3900 block of Grenshaw Street at approximately 2:00 p.m. Upon arrival, there were multiple groups of individuals in the area standing or sitting outdoors ranging in age from approximately 18-60 years old. When the investigators addressed the groups, many acknowledged that they were aware of the incident but did not want to provide formal statements nor identify themselves by name.

One black male appearing to be in his early 20s did speak with the investigators privately and stated that he observed Mr. [REDACTED] run from the gangway onto the street followed by a police officer. He stated that the

<sup>4</sup> Incident report relating to the arrest of Mr. [REDACTED] indicates that the following CPD officers were at the scene on Grenshaw: Officer Thomas Barnett, #1163; Officer Nick Beckman, #16887; Officer Patrick Bridges, #1171; Officer Matthew Hearn, #5647; Officer Eric James, #4308; Officer Krzysztof Kapinos, #17834; Officer James Kurth, #5543; Officer Jordan Parks, #16443; Officer David Seiber, #5836; Officer Darren Warren, #1123.

officer was able to catch up with Mr. [REDACTED] and tackle him from the back, causing Mr. [REDACTED] to fall onto his stomach with the officer landing on his back. The man confirmed that Mr. [REDACTED] struggled with the officer and stated that at some point, another officer walked up to Mr. [REDACTED] and stomped his head. The young man also stated that Mr. [REDACTED] appeared to be unconscious because his eyes were closed and he was not moving. He also stated that one of the officers placed his knees into Mr. [REDACTED]'s upper neck/back area to handcuff him although Mr. [REDACTED] appeared to already be unconscious. The witness declined to give a formal statement or his name. (Att. 84)

The IPRA investigators obtained a **statement** from one witness, [REDACTED] who resides on Grenshaw Street near the location of the incident. Her statement is more fully described below.

**IPRA learned** that members of **CPD** also **canvassed** the 3900 block of Grenshaw Street on June 15, 2016.<sup>5</sup> CPD reports regarding their canvass indicated that they were not able to locate any witnesses who observed the incident or who had knowledge of the incident. (Att.129)

**IPRA also made numerous other attempts to locate and speak to potential witnesses** with limited success. The following is a summary of the information IPRA obtained during these efforts.

### **Interview Attempts**

IPRA attempted to contact the 911 callers by calling the telephone numbers from which the 911 calls had been placed, per the OEMC records. As a result of these efforts in contacting these witnesses, IPRA was able to interview [REDACTED] and [REDACTED]. IPRA attempted to contact the other callers at the telephone numbers from the OEMC records with limited success. (Att. 51)

[REDACTED] who had recorded video footage of the incident on his mobile phone, indicated to IPRA on June 22, 2016 that he would not provide a statement regarding the incident. (Att. 151) IPRA conducted a personal visit to the residence of the witness on August 26, 2016 but there was no answer. IPRA attempted to contact Mr. [REDACTED] again to obtain a statement by letter dated August 29, 2016. (Att. 152)

### **Interviews**

#### **Civilians – Subject and Witnesses**

[REDACTED] was interviewed by **CPD Detective Peter Legler, #20939**, and ASA Jamie Dickler on **June 14, 2016** while he was being treated at Mount Sinai Hospital. Mr. [REDACTED] was read his rights and asked if he would be willing to talk about the events of the prior day and answer questions. Mr. [REDACTED] responded in the affirmative by stating “yes” verbally in response to being asked if he understood each right. Mr. [REDACTED] stated that on the date of the incident, he was “chillin” on the block when he saw a vehicle pull up next him, and that he understood that the vehicle was a police vehicle. He stated that he ran because he had a bag of marijuana in his possession, and he kept running and was tackled outside of a gate. Mr. [REDACTED] said that he stated, “help me” to the people who were out on the block, but that he kept being punched by the police officer and that he couldn’t protect himself with the police officer on top of him. Mr. [REDACTED] stated that he attempted to push the officer with his arms but that he does not remember biting the officer, reaching his arms up towards the officer, or anything

<sup>5</sup> Via the Detective Case Supplementary Report (Att. #129).

else. Mr. [REDACTED] stated that he was high and had smoked half a bag of marijuana about ten (10) minutes prior to his encounter with the police that day. (Att. 190)

**IPRA attempted to interview Mr. [REDACTED]** on multiple occasions. On June 14, 2016 at approximately 10:00 a.m., IPRA attempted to interview Mr. [REDACTED] at Mount Sinai Hospital while he was still under police guard/custody. Mr. [REDACTED]'s eyes were initially closed when investigators entered his room and he appeared drowsy when he opened them. His right eye appeared to be bloodshot. Mr. [REDACTED] agreed to give a statement but due to lack of privacy in his hospital room and given that he was about to be released and taken to the 10th District, investigators decided that they would take his statement at the 10th District. (Att. 25) When IPRA attempted to interview Mr. [REDACTED] at the 10th District at approximately 12:30 p.m., Mr. [REDACTED]'s attorney informed IPRA that he would not allow Mr. [REDACTED] to speak with IPRA investigators or to give a statement. (Atts. 35; 57)

**IPRA received a telephone call from [REDACTED] on June 13, 2016** at approximately 6:00 p.m. stating that she had witnessed the incident and wanted information about Mr. [REDACTED], who she stated was her nephew. She stated that she was aware of a video recording of the incident that had "gone viral" and indicated that she had the video and would send it to IPRA, although she did not provide information about who recorded the video. Ms. [REDACTED] stated that Mr. [REDACTED] might have been chased by officers because he might have been selling drugs. She continued that during the part of the incident that she observed, Mr. [REDACTED] resisted an officer by "wrestling" with him in the street near Grenshaw and Pulaski. She stated that a white male plainclothes officer exited an unmarked "truck" and commented, "You called for help for one guy?" and told the persons gathered at the scene "Y'all are pussies." Ms. [REDACTED] said that same officer then went to Mr. [REDACTED] and kicked his head while he was lying on the ground and while the other officer was "sitting" on Mr. [REDACTED]. Mr. [REDACTED] then went "limp" and was taken away by either a police wagon or an ambulance. Ms. [REDACTED] stated that she was approximately six (6) feet from Mr. [REDACTED] when he was kicked. (Att. 54) IPRA attempted to contact Ms. [REDACTED] on multiple occasions to take her statement. IPRA sent a letter via certified mail, which Ms. [REDACTED] received and signed for on August 1, 2016. (Att. 164) IPRA then attempted to conduct a personal visit at her residence at [REDACTED] on September 13, 2016. (Att. 165)

[REDACTED] was interviewed by IPRA on August 26, 2016. Ms. [REDACTED] witnessed the incident and was the female who had called 911 three times on the date of the incident requesting an ambulance because she suspected that Mr. [REDACTED] was having a seizure. On the date of the incident, Ms. [REDACTED] was on the way to visit her grandmother who resides on Grenshaw Street. Ms. [REDACTED] was driving in her vehicle with her husband when she observed a man and a police officer running out of a gangway into the street. She pulled over her car and observed a police officer [Officer Pratscher] on top of the man [Mr. [REDACTED]]. She said they were "kinda like strugglin'" and that Mr. [REDACTED] "was wigglin' under [Officer Pratscher] like tryin' to get away." By this time, she noted that other people were gathering around to see what was happening on the block when another police officer [Officer Rosen] arrived on the street in his vehicle. She stated that she did not observe Mr. [REDACTED] punch or choke Officer Pratscher. She stated that "the other officer got out of the car and walked up to the other police officer and the gentleman, and he raised his feet up and kicked him in his head, stomped him in his head." Ms. [REDACTED] believes that Mr. [REDACTED] began to have a seizure after the leg strike from Officer Rosen. Ms. [REDACTED] stated that "he was shakin' and started vomit' up at the mouth or whatever. And by this time, they had him handcuffed already. So, he's into the seizure in the handcuffs behind his back. The other officer that kicked him kicked him again. The second time he kicked him he stopped shakin'. He was just layin' there. He wasn't movin' anymore." Ms. [REDACTED] also stated that she didn't see Mr. [REDACTED] getting handcuffed at any point so she was not sure at which point the officers were able to handcuff him. Ms. [REDACTED] called 911 for an ambulance because she was concerned about Mr. [REDACTED] because he wasn't moving at all. Ms. [REDACTED] belief that Mr. [REDACTED] was having a seizure was based on her experience working as a nurse for

nine years, as well as having been in a past relationship with an individual who had epilepsy. Ms. [REDACTED] indicated that her husband did not wish to be interviewed or contacted by IPRA. (Atts. 55; 147; 148)

On **June 14, 2016** at approximately 9:45 a.m., **IPRA received a telephone call** from [REDACTED] regarding the video that was played on television of the incident that took place on Grenshaw Street. The female caller stated that she resides in the area of Pulaski and Grenshaw and that while she did not observe the alleged kick by the officer, she did observe two plainclothes police officers surrounded by a large group of twenty (20) to thirty (30) black males ranging in age from approximately 16-30 years old who were being aggressive towards the officers by yelling and threatening them. She stated that she observed one officer on the ground with someone and another officer standing and trying to keep the large crowd from attacking him and the other officer on the ground. She stated that the officer that was standing was yelling out directions to the crowd and they were not listening to the officer. The female caller stated that she heard the officer who was standing call for help on his radio. The female caller stated that the day prior, the same group of individuals had broken out the car window of a CPD vehicle and that she believed that the group was comprised of gang members who sold drugs in the area. She stated that other encounters with that group have caused her to fear for her family's safety, and while she expressed willingness to speak with investigators about the situation, she is concerned that the release of her name will further jeopardize her safety. (Att. 83)

On **June 14, 2016**, IPRA obtained a statement from witness [REDACTED] who resides at [REDACTED]. Ms. [REDACTED] was out on her yard in front of her residence when she observed a young male running out from behind the abandoned house next to her residence onto the street being pursued by a police officer. The police officer tackled the subject, who was trying not to get arrested. The subject was initially on his stomach on the ground with the officer on top of him. Another officer got out of his vehicle and then kicked the subject in the head. Ms. [REDACTED] stated that she believed that the subject already had both hands handcuffed when he was kicked in the head by the police officer. She believed that he was unconscious because she observed him appearing unresponsive to verbal statements after being kicked in the head. (Atts. 85-88)

### Police Officers – Involved and Witnesses

CPD interviewed **Accused Officer Anthony Rosen, #11430**, on June 13, 2016 at the 10th District office. Officer Rosen stated that when he arrived in the police vehicle on Grenshaw Street, he saw a huge crowd gathered on the street as well as his partner, Officer Pratscher, on the ground attempting to gain custody and physical control of Mr. [REDACTED]. He said that he saw Mr. [REDACTED] fighting with Officer Pratscher. Officer Rosen got out of his vehicle and immediately backed the advancing crowd away from his partner using verbal commands. Officer Rosen observed pieces of Officer Pratscher's police gear and equipment on the ground, including his radio, flashlight, handcuff key, and a pen. Officer Rosen grabbed his partner's radio and got on the air to request assistance while still ordering the crowd to back off using verbal commands and his physical presence. Officer Rosen then stated that he heard his partner say in a distressed voice "Tone, Tone" and knew something was wrong because his partner never referred to him as "Tone," but always as "Tony" or "Rosen." Officer Rosen stated that he turned away from the crowd and saw Mr. [REDACTED]'s hands around the neck of Officer Pratscher, so he went to his partner's aid by delivering a leg strike to the side of Mr. [REDACTED]'s head to stop him from choking Officer Pratscher. Officer Rosen turned back once again to the crowd giving verbal commands to back off after seeing that Mr. [REDACTED] had released his grip on Officer Pratscher's neck. Officer Rosen then went back to assist Officer Pratscher in handcuffing Mr. [REDACTED]. Officer Rosen observed other officers arriving on the scene at this point. (Att. 190)

IPRA interviewed **Accused Officer Rosen, #11430**, on July 13, 2017. Officer Rosen stated that prior to the incident on June 13, 2016, he and Officer Pratscher had been partners for four and a half to five years. Officer

Rosen and Officer Pratscher were on duty driving an unmarked Ford Explorer. The officers observed an individual now known to be Mr. [REDACTED] riding a bicycle down the middle of the street near the intersection of Roosevelt and Springfield Avenue, in an area known for high volume narcotics sales. Officer Rosen believed Mr. [REDACTED] was being followed by two individuals who were keeping pace behind Mr. [REDACTED] by about five (5) to ten (10) feet. Officer Rosen observed that one of the individuals, a Hispanic male, had money in his hand. Officer Pratscher was driving the squad vehicle at that time, and made a U-turn. At this point, Mr. [REDACTED] looked in the direction of the vehicle, jumped off the bicycle, and began to walk westbound on the south side of Roosevelt Road, away from the two individuals who had been following him. Officer Rosen stated that every couple of feet, Mr. [REDACTED] turned around to look at the officers' vehicle, and when the vehicle got within fifteen (15) feet of Mr. [REDACTED], he began to flee westbound on the south side of Roosevelt Road. Mr. [REDACTED] then began to run southbound on the 1200 block of Harding Avenue. Officer Pratscher turned the corner in the vehicle and Officers Rosen and Pratscher saw Mr. [REDACTED] hiding between two vehicles, bent down between two cars, trying to remove something from his waistband area. Officer Pratscher then exited the vehicle and began to pursue Mr. [REDACTED] on foot. Officer Rosen then exited the vehicle to get into the driver's seat, by which point Officer Pratscher and Mr. [REDACTED] were already out of sight. Officer Rosen heard Officer Pratscher make a notification over the air on his police radio that he was chasing a male black near Grenshaw Street. Officer Rosen drove the vehicle to the 3900 block of Grenshaw Street going westbound.

Officer Rosen then observed Officer Pratscher "wrestling with Mr. [REDACTED] in the street, and a large crowd gathering, trying to gather around him. ...[t]rying to approach." When Officer Rosen exited his vehicle, he estimated that the size of the crowd of civilians was approximately twenty (20) to thirty (30) people. Officer Rosen then got out of his vehicle and told another vehicle in the road to get back, then immediately went to Officer Pratscher to ask where his radio was. Officer Pratscher did not respond as he was struggling to get Mr. [REDACTED] into custody. Officer Rosen stated that he asked Officer Pratscher for his radio because Officer Rosen's radio was lodged underneath the passenger side of the seat in the vehicle, which occurred while Officer Rosen had been driving to Grenshaw Street. Officer Rosen then saw Officer Pratscher's radio, a pair of handcuffs, a flashlight, and a handcuff key in the grass area between the sidewalk and the street. Officer Rosen told the crowd to back up away from the area where Officer Pratscher was attempting to apprehend Mr. [REDACTED]. Officer Rosen picked up the radio and communicated their location on Grenshaw Street.

Officer Rosen stated that he knew that the block on Grenshaw Street where they were located has a reputation for being a "dangerous block to be on." Officer Rosen estimated that the crowd was ten (10) to twelve (12) feet away from Officer Pratscher and Mr. [REDACTED], and that some individuals in the crowd were yelling at Officer Pratscher and "just talking shit" and "trying to agitate the situation, trying to agitate the block to get more people to, to come out." While Officer Pratscher was attempting to apprehend Mr. [REDACTED], Mr. [REDACTED] was asking the crowd to help him. Each time that Mr. [REDACTED] said this, the crowd would "get a little closer." Officer Rosen stated that there were two or three black males in the crowd that kept weaving in and out throughout the crowd, grabbing at their waist areas and "making it seem like they had a weapon."

Officer Rosen observed Officer Pratscher struggling with Mr. [REDACTED] on the ground in the street. Officer Pratscher was on top of Mr. [REDACTED], and Mr. [REDACTED] was refusing verbal direction to stop resisting and to stop biting Officer Pratscher. Mr. [REDACTED] was "shifting his body weight," "flailing his arms in the air," and "basically do[ing] anything he possibly could to prevent Officer Pratscher from placing him under arrest." Officer Rosen turned his attention back to the crowd after he used the radio to communicate to dispatch. Officer Rosen then heard Officer Pratscher say "What the fuck, bro," and when he said "bro" his voice became "altered ... like he was almost out of breath." Officer Rosen then turned around and saw that Mr. [REDACTED] "had his arm outstretched, with his elbow locked and his hand around Officer Pratscher's throat." Officer Rosen said he then "walked over to Mr. [REDACTED] and I kicked him. ... In the head" because "that was the quickest, most effective way that I could

get his hand from around Officer Pratscher's throat." The kick was successful in releasing Mr. [REDACTED]'s grip from Officer Pratscher's neck. Officer Rosen said that he didn't really see Mr. [REDACTED]'s demeanor after the kick because he turned back around "to deal with the crowd." After he kicked Mr. [REDACTED] in the head is when he told the crowd "Get the fuck back."

Officer Rosen then said that Mr. [REDACTED] continued to resist Officer Pratscher, that he "still wouldn't give up" and still wouldn't comply with Officer Pratscher's verbal commands to stop resisting. Officer Rosen said he didn't continue to assist Officer Pratscher but instead turned his back towards the crowd because as soon as he kicked Mr. [REDACTED], "the crowd then started advancing on us, and started shouting death threats to Pratscher and I." Some individuals in the crowd were shouting "Y'all two are, ya'll two are gonna end up dead. I'm gonna fuckin' whack you. Y'all motherfuckers ain't safe out here." Officer Rosen heard a voice in the crowd say "get your guns. Get the guns." The crowd was advancing towards the officers and got within three (3) to four (4) feet of them. Officer Rosen said, "at that point, the greater risk to myself and Pratscher was the crowd." He then turned around to check Officer Pratscher again and saw two uniformed officers [Officer Kapor and Officer Luevano] running towards them, so Officer Rosen went to assist Officer Pratscher in placing Mr. [REDACTED] under arrest. Mr. [REDACTED] was "still fighting ... still refusing to be handcuffed, still resisting" by "flailing his arms and moving his hands" and ripping his hands away each time that the officers got a grip on his hands, and "doing everything he possibly could to avoid being taken, avoid being handcuffed." Officer Rosen kneeled on Mr. [REDACTED]'s chest, near his head, and gave an open hand strike to Mr. [REDACTED] as they attempted to gain control of Mr. [REDACTED]'s arms. At this point, Officer Rosen stated that Mr. [REDACTED] was face up, lying on his back. Officer Rosen states that Mr. [REDACTED] then bit his leg. Officer Rosen said that he told Mr. [REDACTED] not to bite him, that he then lifted his leg and said, "Don't bite me again" and put his leg back down as he tried to get Mr. [REDACTED]'s arms together to place the handcuffs on him. Officer Rosen said that Mr. [REDACTED] then attempted to bite him again, and that is when he delivered the knee strike to Mr. [REDACTED]. Officer Rosen stated that Mr. [REDACTED] bit him "in the knee" but that he didn't break any skin because Officer Rosen had been wearing jeans. Officer Rosen also stated that he did not strike Mr. [REDACTED] with his full knee, and that most of his knee ended up on the ground and that his knee only hit Mr. [REDACTED] "a little bit on the side of the head, maybe," on the left side of his head "almost by his ear." After the knee strike, the officers were able to pull Mr. [REDACTED]'s hands close enough to get him handcuffed in the front of his body. Officer Rosen stated that he sustained injuries to his right knee and right wrist during the incident, which occurred while he was kneeling on Mr. [REDACTED].<sup>6</sup>

Officer Rosen stated that Mr. [REDACTED] did not lose consciousness at any time. He believes that other witnesses were not close enough to observe whether Mr. [REDACTED] lost consciousness, and stated "If Mr. [REDACTED] was unconscious, Officer Pratscher ... would have been able to handcuff him without a problem. ... when I went back over to Mr. [REDACTED], to assist Officer Pratscher, again, after I told the crowd to get the fuck back, Mr. [REDACTED] was still fighting with us." Officer Rosen stated that Mr. [REDACTED] stopped resisting once he was handcuffed. (Att. 203)

In a **subsequent interview** with COPA on 19 October 2017, **Officer Rosen** was questioned specifically about a video that captured the aftermath of the incident referenced in the file as attachment #102.<sup>7</sup> According to Officer Rosen, he approached a black male in the video and exchanged words with him because the male made verbal threats to him and other officers at the scene. The male was also walking around a white female officer

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<sup>6</sup> None of the documents reviewed by IPRA indicate that Officer Rosen was treated or evaluated for these injuries by the paramedics on the scene.

<sup>7</sup> The video is 4:45:00 long and the specific allegation (allegation #4) is depicted at the 00:17 to 00:24:00 segment of the video.

wearing a black tee-shirt.<sup>8</sup> According to Officer Rosen he wanted to let the black male know that if he got any closer to the female officer, he would, "get in trouble." Officer Rosen wanted to "maintain whatever order was left at that point." Officer Rosen does not recall telling the black male, "bring it motherfucker" but vaguely heard himself on the video saying, "do something." Officer Rosen explained that he said, "do something" to convey control, establish control, and to show that he was not intimidated by the black male's death threats, cellphone recording, or any other threats that the male made before and after the incident. When asked to explain the death threats made by the male, Officer Rosen then said that he could not say what they were.

Upon inquiry, Officer Rosen said, "I didn't think anything was going to happen." when he asked the male to "do something." Officer Rosen said that he was not challenging the black male to a fight, intimidating him, or taunting him. Officer Rosen said that he did not escalate the situation when he told the male, "do something," and believes he was de-escalating the situation by making the statement. Officer Rosen explained that by telling the black male, "do something" was his way to relaying to the male, that if he continued his actions, he was going to get in trouble. When asked way he did not specifically tell the male that there would be consequences to his actions, Officer Rosen said that he just did not choose those words nor did he choose to give the male verbal commands that would convey control. (Att. #207)

CPD interviewed **Officer Terrence Pratscher, #4190**, on June 13, 2016 at the 10th District office. Officer Pratscher stated that during the foot chase, Mr. ██████ used a wrought iron gate as a weapon and "smashe[d]" the gate towards Officer Pratscher, who was in pursuit of Mr. ██████ on foot. The gate struck Officer Pratscher on his right shoulder, and he believes that the gate bounced off of him and also struck Mr. ██████. While Officer Pratscher was attempting to gain control of Mr. ██████, Mr. ██████ started throwing punches at Officer Pratscher's face and body with closed fists, striking Officer Pratscher about the body. Officer Pratscher was able to get on top of Mr. ██████ by conducting elbow strikes to Mr. ██████, and was attempting to gain control for handcuffing while also blocking Mr. ██████'s punches. Officer Pratscher stated that Mr. ██████ started yelling "Hey Joe, fuck this nigga up" towards a large group of male and female blacks who were quickly approaching Officer Pratscher and Mr. ██████. The crowd was yelling and threatening Officer Pratscher, leading him to believe that Mr. ██████ was provoking the crowd to attack Officer Pratscher. Officer Pratscher stated that he observed Mr. ██████ making a throwing motion with his right hand while still resisting Officer Pratscher, and Officer Pratscher observed several small pink bags land on the pavement nearby and that a blue latex glove was also observed next to the pink bags, items which were subsequently recovered by Officer Pratscher and Officer Rosen and inventoried. Officer Pratscher stated that he was still wrestling on the ground with Mr. ██████, giving verbal commands to stop resisting arrest, when Officer Rosen arrived on the scene. The crowd of approximately thirty (30) male and female blacks were advancing towards him, yelling profanities and threatening him. Officer Pratscher stated that he was finally able to handcuff the right wrist of Mr. ██████, but that Mr. ██████ then pulled his hands away in further effort to defeat the arrest. Mr. ██████ attempted to keep his hands pinned underneath his chest so that Officer Pratscher could not gain control of his hands. Officer Pratscher then reached under the body of Mr. ██████ to grab his right hand when Mr. ██████ bit Officer Pratscher's right ring finger. Officer Pratscher ordered Mr. ██████ to stop biting him, and was able to pull ██████ hand out from under his body. In the process, Officer Pratscher lost his body leverage which allowed Mr. ██████ to roll onto his back facing upwards towards Officer Pratscher. Officer Pratscher stated that Mr. ██████ then reached up with his right hand and grabbed him by the throat, gripping his neck and squeezing, causing closure of his airway and sudden loss of breath, while physically raising Officer Pratscher's body upward. Officer Pratscher saw Officer Rosen notice that Mr. ██████ was attempting to strangle him, and observed Officer Rosen deliver a kick to the side of Mr. ██████'s head, which stunned Mr. ██████ and caused him to let go of Officer Pratscher's neck. Officer Pratscher was then able to regain leverage on top of Mr. ██████. With assistance from Officer Rosen and Officer Luevano, the

<sup>8</sup> Officer Rosen does not recall the specific threats made by the male nor does he know the name of the female officer.

officers were able to handcuff both of Mr. [REDACTED]'s hands. After Mr. [REDACTED] was handcuffed and laying on the ground, Officer Pratscher stated that Mr. [REDACTED] would look around at the crowd and then act like he had lost consciousness. (Att. 190)

In an **interview with IPRA** on October 13, 2016, **Officer Terrence Pratscher, #4190**, stated that he and his partner Officer Rosen were on routine patrol with Officer Pratscher driving an unmarked Ford Explorer when the officers purportedly spotted the subject Mr. [REDACTED] riding a bicycle and slowing down in the middle of the street approaching Roosevelt Road from the 1200 block of the street. The officers observed two other individuals following Mr. [REDACTED] and holding money. This behavior led the officers to believe that a narcotics transaction was about to take place based on the area, which Officer Pratscher described as "a pretty open-air narcotics area." Officer Pratscher did not witness Mr. [REDACTED] engage in an exchange with the other two individuals.

Mr. [REDACTED] got off the bicycle and began walking on the sidewalk with two other black males, at which point the officers pulled up in their vehicle alongside the sidewalk, looked at Mr. [REDACTED], and slowed the vehicle down as if they were going to get out of the car. At this point, Mr. [REDACTED] took off on foot running westbound on Roosevelt Road and then turned south on Harding Street. Officer Pratscher observed that while Mr. [REDACTED] was running, he was "trying to take something out of his pocket, [or] his waistband, or something" and that after he ran onto Harding Avenue, Mr. [REDACTED] bent down towards the rear of a vehicle parked in the street. Officer Pratscher stopped the vehicle northbound on Harding Avenue and across Roosevelt Road and got out of the vehicle "to see what [Mr. [REDACTED]] was doing." Officer Pratscher exited the vehicle despite being the driver because he was closer to Mr. [REDACTED] and "thought that [he] had a better chance of detaining him there, as opposed to Officer Rosen getting out the car." Officer Pratscher verbally identified himself as a police officer to Mr. [REDACTED], and issued verbal commands directing Mr. [REDACTED] to stop. Mr. [REDACTED] did not respond to the verbal commands and continued to run. Officer Pratscher estimated that he was within ten (10) feet of Mr. [REDACTED] during the entire encounter, including during the foot chase. Officer Pratscher chased Mr. [REDACTED] through a gangway that led to Grenshaw Street where Mr. [REDACTED] attempted to jump over an iron gate. The gate opened while he was attempting to go over it, so Mr. [REDACTED] got down from attempting to climb it, turned around and slammed the gate into Officer Pratscher's body on the right side of his body and his right shoulder. At that point, Officer Pratscher was able to grab a hold of Mr. [REDACTED]'s shirt and pull him to the ground. At this point, both Officer Pratscher and Mr. [REDACTED] were "wrestling" on the ground, and Mr. [REDACTED] began throwing punches at Officer Pratscher while Officer Pratscher was trying to gain control of Mr. [REDACTED]'s hands to handcuff him.

At this point, Mr. [REDACTED] began yelling things like "Yo, yo, hey, hey. Come fuck this guy up" towards a large crowd down the block. Officer Pratscher estimated the crowd to be about twenty (20) to thirty (30) civilians, a mix of males and females but mostly males. In response to Mr. [REDACTED]'s shouts, the crowd came closer to where Officer Pratscher was struggling to control Mr. [REDACTED] and were yelling things at Officer Pratscher as they began to circle around them. Officer Pratscher believed that some of the civilians in the crowd may have personally known Mr. [REDACTED] based on their willingness to approach the scene. Officer Pratscher believes that he heard a civilian in the crowd shout "get the gun" and so Officer Pratscher "thought they were going to try to attack" him and "help [Mr. [REDACTED]] get free." At this point, Officer Pratscher stated that he was scared and "didn't really know what was going on" when he heard the "the revving of an engine" and then looked up to see Officer Rosen approaching in the unmarked Explorer. Officer Pratscher estimates that approximately forty (40) seconds to one minute elapsed between the time when he had exited the vehicle on Harding Avenue and when Officer Rosen had arrived at the scene on Grenshaw Street.

Officer Pratscher was trying to gain control of Mr. [REDACTED]'s hands and place handcuffs on him but Mr. [REDACTED] was still fighting him. Officer Pratscher recalls that Mr. [REDACTED] was either on his stomach or on his side

when Officer Pratscher was able to grab Mr. [REDACTED]'s hand underneath his body. At that point, while Officer Pratscher was grasping Mr. [REDACTED]'s hand, Mr. [REDACTED] pulled both of their hands towards his mouth, and then Officer Pratscher felt Mr. [REDACTED]'s mouth on his hand. Officer Pratscher told Mr. [REDACTED] not to bite him. However, Mr. [REDACTED] then bit Officer Pratscher's finger, and Officer Pratscher pulled his hand away in reaction to the bite. At that point, Mr. [REDACTED] was able to roll onto his back. He then reached up and grabbed Officer Pratscher's throat and "[made] a squucze." Officer Pratscher stated that he "felt him squeezing my throat" and said that he was "starting to lose it a little bit," "started getting a little dizzy," and "was scared." Officer Pratscher "thought [Mr. [REDACTED]] was going to kill [him] ... if he squeezed harder, for longer."

Officer Pratscher called out to Officer Rosen for assistance. Officer Pratscher stated that Officer Rosen delivered a leg strike to Mr. [REDACTED]. Officer Pratscher did not know where Officer Rosen's leg strike landed on Mr. [REDACTED]'s body but stated that after the leg strike, Mr. [REDACTED]'s grip was released from his throat. Officer Pratscher did not believe that Officer Rosen used excessive force on [REDACTED] in delivering the leg strike because they were "in a situation [where] I thought he was, he was trying to kill me, you know. He was squeezing my throat. I was beginning to lose kind of consciousness, I didn't know what was going to happen at that point," and "[t]here was a crowd that had gathered that ... I thought was, given the opportunity, I think they would have attacked us both."

After the leg strike, Mr. [REDACTED]'s grip loosened from Officer Pratscher's throat and Officer Pratscher was able to get his weight on top of Mr. [REDACTED] which prevented him from flailing. However, Officer Pratscher stated that Mr. [REDACTED] continued to move after the strike was delivered, even though he observed that Mr. [REDACTED] seemed "stunned after he had the kick." Officer Pratscher said he knew that Mr. [REDACTED] was conscious after the leg strike to Mr. [REDACTED]'s head because Officer Pratscher was on top of him and "looking at him, and, and he was still fighting," and saying, "a lot of fuck you's at that point, kind of mumbling them to me, as we were trying to place him into custody." After the leg strike, Mr. [REDACTED] closed his eyes for approximately one second and then opened his eyes again and was looking around "like he was stunned" while Officer Pratscher was trying to gain control of Mr. [REDACTED]'s hands. Officer Pratscher did not observe Mr. [REDACTED] showing signs of seizure, body shaking, or loss of consciousness. Officer Pratscher said he believes that the leg strike was necessary as it was "the fastest method that was available to try to control two situations at the same time," with those situations being Officer Pratscher's struggle with Mr. [REDACTED], and the crowd of civilians that had formed near the struggle.

When they tried to handcuff Mr. [REDACTED] after the leg strike, Mr. [REDACTED] "began to resist again." When asked whether Mr. [REDACTED] was physically resisting him or Officer Rosen, Officer Pratscher stated that Mr. [REDACTED] "still wouldn't let us gain control of his hands, as we were trying to place him in handcuffs," and that "[h]e kept trying to pull them under his body, and [ ] just kind of flailing them out, not letting us handcuff him." Another police vehicle showed up right after the leg strike, including Officer Michael Kapor and his partner Officer Arnoldo Luevano. Officer Pratscher did not recall Officer Rosen delivering a knee strike to Mr. [REDACTED] while the officers were attempting to handcuff Mr. [REDACTED]. Officer Pratscher stated that he only saw the knee strike after viewing a video of the incident, but that he has no independent recollection of Officer Rosen delivering the knee strike. When asked if he was aware of any other physical contact between Officer Rosen and Mr. [REDACTED] other than the leg strike and the knee strike, Officer Pratscher was "not sure, other than like in helping, trying to assist in grabbing his hand to gain control of his hands so we can handcuff him." Officer Pratscher stated that he was aware that Officer Rosen sustained an injury to his knee and wrist, but he did not know how such injuries were sustained. Officer Pratscher assumed Officer Rosen's injuries were from struggling with Mr. [REDACTED] while they were "trying to place him into custody, after the leg strike." Officer Pratscher recalled that either Officer Kapor or his partner, Officer Luevano, assisted in successfully handcuffing Mr. [REDACTED]. Officer Pratscher did not know if handcuffs were on Mr. [REDACTED] when Officer Rosen delivered the knee strike. Mr. [REDACTED] stopped resisting after being handcuffed, and Officer Pratscher recalled that "it wasn't until after we had him in handcuffs that he

had kind of stopped talking.” After Mr. ██████ had been handcuffed, Officer Pratscher recalled that they may have attempted to get Mr. ██████ to stand up but that they then “thought it was better to just leave him there” since an ambulance was on the way “rather than trying to pick him up.”

Officer Pratscher was given first aid on scene by paramedics and was then transported to the Rush University Hospital in an ambulance for further treatment and evaluation of his injuries. (Atts. 168; 169)

CPD interviewed **Officer Michael Kapor, #16574**, on June 13, 2016 at the 10th District office. Officer Kapor stated that when he arrived on the scene with Officer Arnoldo Luevano, he observed Officer Pratscher on the ground wrestling with Mr. ██████ and further observed an “agitated” crowd that he estimated at fifty (50) civilians inching forward towards Officer Pratscher. Officer Kapor immediately engaged the crowd and verbally ordered them to get back and also positioned himself in a way to physically block the crowd from approaching Officer Pratscher who was on the ground and engaged physically with Mr. ██████ while attempting to place him under arrest. The crowd backed off some, but continued circling the officers while continuing to yell, taunt, and threaten the officers. Officer Kapor continued to provide crowd control until other officers arrived on the scene. (Att. 190)

In an **interview with IPRA** on September 6, 2016, **Officer Michael Kapor, #16574**, stated that he and his partner, Officer Arnoldo Luevano, were on duty when they responded to a “10-1” call by Officer Rosen, which Officer Kapor stated was the highest priority call in the CPD. Officer Kapor recalled that the call requested assistance due to being confronted by a large crowd. When Officer Kapor arrived at the scene, he was some distance from where Officer Pratscher and Officer Rosen were located on Grenshaw Street due to the number of cars in the road. Accordingly, Officer Kapor sprinted towards the officers where he observed Officer Pratscher attempting to arrest an individual on the street. He also observed Officer Rosen “attemptin’ to assist him, but he’s focused on a group of 20 or 30 males who are very agitated. ... they’re confrontational and it appears that they’re trying to run interference in an attempt to allow the person they’re trying to arrest, to escape[.]” Officer Kapor observed Officer Pratscher “visibly struggling” with Mr. ██████ on the ground, who was “trying to resist arrest” and was “thrashing around.” As Officer Kapor approached, Officer Rosen and Officer Pratscher were trying to subdue Mr. ██████ and place him into secure custody, so upon arriving at the scene, Officer Kapor “immediately went to the crowd.” He stated that his “focus was on that group, because they were encroaching – they were getting closer and closer and closer, and I feared for the safety of all the officers,” and that he feared for Officer Pratscher “who was on the ground wrestling’ with this guy; his gun’s exposed.” Officer Kapor feared that the crowd might try to disarm Officer Pratscher and “do harm to us – any of the officers – all the officers who were on the scene at that moment and time.” Officer Kapor recalled that the crowd was yelling verbal threats towards Officers Rosen and Pratscher to the point that it was “enough to shock my conscience to where I realize that these guys are trying to move in on ‘em.” Officer Kapor attempted to maintain order over the crowd by trying to get them to move back onto the sidewalk and out of the area until other officers arrived on the scene.

Officer Kapor stated that he observed that there was some physical contact between Officer Rosen and Mr. ██████ while the officers were attempting to place Mr. ██████ in custody, but he did not see Officer Rosen kick or knee Mr. ██████ in the head. Officer Kapor observed injuries to Officer Pratscher that included bite marks on a finger on the right hand, abrasions to his arms and legs, and a “hand mark” like a “grabbing type mark” on the front of Officer Pratscher’s neck described as “redness”, “indentations”, and “visible markings, from ... pressure.” Officer Kapor did not witness any injuries to Officer Pratscher when they were inflicted, and only observed the injuries after-the-fact. Officer Kapor stated that he did not observe any injuries to Mr. ██████. (Atts. 160; 161; 162; 163)

CPD interviewed **Officer Arnoldo Luevano, #9179**, on June 13, 2016 at the 10th District office. Upon arrival at the scene and after running to assist the officers, Officer Luevano observed Officer Pratscher and Officer Rosen on the ground attempting to handcuff Mr. [REDACTED]. Officer Luevano immediately went to the assistance of these officers by grabbing the right arm of Mr. [REDACTED] and assisting Officer Pratscher in handcuffing Mr. [REDACTED]. Officer Luevano then assisted in crowd control and observed a threatening group of male and female civilians. (Att. 190)

In an **interview with IPRA** on October 17, 2016, **Officer Arnoldo Luevano, #9179**, stated that he was on duty and working with Officer Kapor on June 13, 2016. Officer Luevano and Officer Kapor responded to a call over the radio regarding a foot chase and requesting assistance. Officer Luevano and Officer Kapor were the first other officers to arrive on the scene. Officer Luevano stated that as he approached the location on Grenshaw Street where Officers Rosen and Pratscher were, he saw Officer Pratscher "trying to get the handcuffs" on Mr. [REDACTED] on the ground, and saw Officer Rosen "in a big group of people ... trying to have them stand back." Officer Luevano estimated that the crowd size at that point was twenty (20) to thirty (30) civilians. Officer Luevano stated that when he arrived, he helped Officer Pratscher place the handcuffs on Mr. [REDACTED], who was face down on the ground when he arrived on the scene. Officer Luevano stated that he observed Mr. [REDACTED] "flail" and "spread his arms," and as he came closer, he observed Officer Pratscher "trying to get one hand behind. He couldn't do it so [Mr. [REDACTED]] was obviously still resisting." Officer Luevano stated that he then grabbed one of Mr. [REDACTED]'s arms and placed the handcuffs on, then handcuffed the other arm. Officer Luevano did not recall observing any physical contact between Officer Rosen and Mr. [REDACTED] when he arrived on the scene.

Officer Luevano later spoke at the station with Officer Rosen about the incident. During that conversation, Officer Luevano recalled that Officer Rosen told him that he saw Officer Pratscher getting choked by Mr. [REDACTED], that Officer Pratscher communicated to Officer Rosen that he needed help, and "that's when he helped [Officer Pratscher] and said he kicked [Mr. [REDACTED]]." Officer Luevano stated that Officer Rosen did not specify where on Mr. [REDACTED]'s body the kick was delivered, just that Officer Rosen related that "he kicked him and tried to get him off his partner, get off him choking him." (Atts. 175; 176; 177)

In an **interview with IPRA** on October 14, 2016, **Sergeant Robert Jackson, #1884**, stated that he was the supervisor on duty for the team to which Officer Rosen and Officer Pratscher were assigned. Sgt. Jackson arrived on Grenshaw Street in response to Officer Rosen's request for assistance. By the time that he approached the area on Grenshaw Street where the other police officers were present, Sgt. Jackson stated that Mr. [REDACTED] was already handcuffed and laying on the ground. He stated that Mr. [REDACTED] was not saying anything but appeared alert based on his observation that Mr. [REDACTED] had his eyes open and was "looking around." Sgt. Jackson recalled that he learned that Mr. [REDACTED] had been fighting with the arresting officers from speaking with Officer Rosen once he had arrived on the scene, so Sgt. Jackson proceeded to call for an ambulance very shortly after his arrival.

Sgt. Jackson recalled that he spoke with both Officer Rosen and Officer Pratscher on scene to see if they were okay, and he observed that they appeared "all shaken up." Sgt. Jackson first spoke with Officer Rosen and described Officer Rosen as appearing "real nervous," "shaky," and "scared," and that Officer Rosen told him that "he saw his partner ... fighting with the offender ... but he said he was concerned with that crowd that was moving toward both his partner and the offender." Sgt. Jackson stated that Officer Rosen did not make any statements regarding any assistance that he provided to Officer Pratscher during the incident. Sgt. Jackson stated that he recalled Officer Rosen complaining to him about soreness to his knee and wrist, but then stated that his recollection may have been unclear as to whether it had been Officer Pratscher or Officer Rosen complaining about knee pain, so he referred to his written reports pertaining to the incident. During Sgt. Jackson's conversation on the scene with Officer Pratscher, Officer Pratscher told him that he was fighting with the offender, that they

were “on the ground wrestling together and the offender was choking him.” Sgt. Jackson describes Officer Pratscher’s demeanor during this conversation on the scene as “shaken up” and noted that Officer Pratscher had “redness” to his face and was complaining that he was sore. Sgt. Jackson also observed some scratches and scrapes on Officer Pratscher’s arms.

Sgt. Jackson then spoke to Officer Rosen later that day back at the station. During that conversation, Sgt. Jackson stated that Officer Rosen told him that the crowd was moving towards Officer Pratscher and Mr. [REDACTED] while they were fighting on the ground, that Officer Pratscher was being choked, at which time Officer Pratscher “called out to him, like, said ‘Ton,’ or somethin’ ... tried to call out his name.” Sgt. Jackson stated that Officer Rosen “said he kicked the offender; the offender let go, and that’s how Officer Pratscher was then released from offender [REDACTED].” Sgt. Jackson did not recall Officer Rosen mentioning that he struck Mr. [REDACTED] in the head, only that Officer Rosen “mentioned he kicked the offender and the offender let go.” As they were filling out paperwork, including the Tactical Response Report, Sgt. Jackson asked Officer Rosen where he kicked Mr. [REDACTED], and Sgt. Jackson recalls that this is when Officer Rosen “said he kicked him and had kicked him in the face.” Sgt. Jackson stated that if Officer Rosen had told him that he had also delivered a knee strike to Mr. [REDACTED] at that time, that it would have been reflected in the Tactical Response Report or the case report, but that he has no independent recollection of Officer Rosen telling him that he also delivered a knee strike to Mr. [REDACTED].

When Sgt. Jackson spoke with Officer Pratscher at the station to complete paperwork about the incident, Sgt. Jackson stated that Officer Pratscher told him that Officer Rosen kicked Mr. [REDACTED] which resulted in Mr. [REDACTED]’s grip being released from Officer Pratscher. Sgt. Jackson stated that Officer Pratscher did not mention anything about a knee strike being delivered by Officer Rosen. Officer Pratscher also told Sgt. Jackson that they recovered what he believed to be narcotics from Mr. [REDACTED] that were found in little bags on the ground and that may have become dislodged from Mr. [REDACTED]’s hand or pocket at some point during the struggle on the ground with Officer Pratscher. (Atts. 172; 173)

In an **interview with IPRA** on February 8, 2017, **Detective Peter Legler, #20939**, stated that he interviewed Officer Rosen at the station on June 13, 2016. Det. Legler’s notes from the interview with Officer Rosen indicate that he intended to ask Officer Rosen whether he delivered a knee strike to Mr. [REDACTED]. Det. Legler stated that it was not intentional that he did not ask Officer Rosen this question during their interview. Det. Legler also interviewed Officer Pratscher that evening as well as subsequently a few weeks later when he asked Officer Pratscher to review video footage of the incident. After viewing the video footage, Officer Pratscher acknowledged that his initial recollections from the incident and the timing of when he was able to gain control over Mr. [REDACTED]’s hands in order to place handcuffs on him was mistaken. (Atts. 195; 196)

**Detective Peter Legler, #20939**, interviewed **Officer Gerardo Vega, #6875**. Officer Vega was assigned to initial prisoner watch and accompanied Mr. [REDACTED] in the ambulance to Mount Sinai Hospital. While on prisoner watch at the hospital, Officer Vega stated that Mr. [REDACTED] was asked by hospital staff if he was hurt or in any pain, and Mr. [REDACTED] answered that he had hip pain ever since he was hit by a car earlier in the year. Officer Vega stated that Mr. [REDACTED] did not mention having pain anywhere else.

### CFD Members

In an **interview with IPRA** on July 7, 2016, CFD Paramedic **James Morsovillo, #21282**, stated that he was working with Paramedic Christian Mendoza on June 13, 2016. When they arrived on the scene, it was “chaotic” and approximately sixty (60) people were blocking the street, yelling and cursing at the police and at CFD personnel. When they arrived on the scene, he did not observe any injuries to Mr. [REDACTED]. Paramedic Morsovillo stated that he did not observe any signs of Mr. [REDACTED] having suffered a seizure, which he concluded

based on his observations that Mr. [REDACTED] was being aggressive and fighting with CFD personnel as they were trying to administer medical aid. He stated that Mr. [REDACTED] did not want to get on the backboard or have a C-collar placed on his neck. CFD personnel asked Mr. [REDACTED] for his name but he refused to give it and directed profanities at CFD personnel. Paramedic Morsovillo recalled that the crowd began getting closer to them at which point they lifted Mr. [REDACTED] from the ground and began walking him to the ambulance. He recalled that the crowd began to throw bottles and rocks at the police and CFD personnel. After CFD personnel placed Mr. [REDACTED] inside the ambulance, the crowd of people gathered around the ambulance and began to pound on the windows and doors. As Paramedics Morsovillo and Mendoza were attending to Mr. [REDACTED], he continued to fight and kick at them. Paramedic Morsovillo then drove the ambulance to Mount Sinai Hospital. (Atts. 123; 124)

In an **interview with IPRA** on July 27, 2016, CFD paramedic **George Demertisidis, #20391**, stated that when they first arrived on scene, Mr. [REDACTED]'s eyes were open the entire time while medical aid was being given and that Mr. [REDACTED] maintained consciousness. He noted that Mr. [REDACTED] was not saying anything but his eyes were open. Paramedic Demertisidis referred to his EMS Incident Report that stated "patient will not answer questions." (Att. 39) Paramedic Demertisidis also referred to his report which stated that no gross trauma was noted, but that there was a small amount of blood coming from Mr. [REDACTED]'s mouth. He did not recall Mr. [REDACTED] fighting with CPD during the initial treatment. (Atts. 130; 131, 132)

In an **interview with IPRA** on August 8, 2016, CFD Paramedic **Dennis Cavanaugh, #18770**, stated that on June 13, 2016, he was assigned to ambulance # 33 and was working with CFD Paramedic Nick Caban when he received a call at approximately 3:36 p.m. to respond to the location of 3927 W. Grenshaw Street. By the time that Paramedic Cavanaugh arrived on the scene, the paramedics in ambulance #64 had already rendered some medical aid to Officer Pratscher and wrapped the bite wound on his right hand. Paramedic Christian Mendoza told him that the bite wound was somewhat deep so he had wrapped it up to stop the bleeding, so Paramedic Cavanaugh did not unwrap it and cause it to bleed further. Paramedic Cavanaugh took Officer Pratscher's vital signs and noted that Officer Pratscher had an abrasion to his right elbow. He recalled that Officer Pratscher appeared "winded" and "tired" and that Officer Pratscher told him that he had been fighting with an offender when he was bitten. Ambulance #33 then transported Officer Pratscher to Rush University Hospital. (Atts. 135; 136)

In an **interview with IPRA** on August 9, 2016, CFD firefighter **Joseph Gildein, #21599**, stated that he was among the first responders to arrive on the scene on Engine #113. He stated that Mr. [REDACTED] was "definitely alert" and moving around a lot on the ground when they first arrived on the scene. He stated that Mr. [REDACTED] was being "pretty aggressive," but was not being responsive verbally or responding to requests by paramedics "like he wasn't hearing [them], when he should have been." He stated that Mr. [REDACTED]'s non-responsiveness was "strange, because ... with that much movement, you would think he would be able to voice in, or something like that. It was weird. I wouldn't say he was, uh, unconscious, but he was, he eyes were open and he was following our movements and all that stuff. But he wasn't, like, responsive to what we were asking him to do." (Atts. 139; 140)

In an **interview with IPRA** on July 7, 2016, CFD Paramedic **Christian Mendoza, #20755**, stated that when he arrived on Grenshaw Street on June 13, 2016, there were people blocking the street and the civilians on the scene were very hostile and yelling profanities at the police. He stated that Mr. [REDACTED] was being hostile while paramedics attempted to place Mr. [REDACTED] on the backboard and had to be handcuffed to it, and that Mr. [REDACTED] spat a piece of skin at him at some point. Paramedic Mendoza stated that he also rendered medical aid to Officer Pratscher. Paramedic Mendoza stated that Officer Pratscher told him that he was afraid because he heard someone in the crowd yelling to "get him, get his gun." Officer Pratscher did not report any injuries to Paramedic Mendoza relating to being choked. (Atts. 119; 120)

In an **interview with IPRA** on August 30, 2016, CFD Lieutenant **Michael Finnegan, #16806**, stated that he was one of the first responders to arrive on the scene on Grenshaw Street. Lt. Finnegan stated that in his twenty-six years' experience, the crowd that had gathered on Grenshaw Street was an "unusually aggressive crowd." (Atts. 154; 155)

In an **interview with IPRA** on August 16, 2016, Paramedic **Nicholas Caban, #21288**, stated that he was in the ambulance that transported Officer Pratscher to the hospital but that he had very little direct contact with Officer Pratscher. He recalled that Officer Pratscher's finger had already been bandaged prior to their arrival on the scene, and that he noted that there was a slight abrasion to Officer Pratscher's arm. Paramedic Caban noted that the civilians in the crowd were directing profanities and obscenities towards them and the police officers. He estimated that the crowd size at a minimum of thirty (30) civilians. (Atts. 143; 144)

### **Medical Information**

IPRA obtained medical records from **Mount Sinai Hospital** for Mr. [REDACTED] from **June 13, 2016**. The records reflect that the patient "was brought to the emergency room by ambulance under police arrest after the patient was acting erratic with a very violent behavior." Mr. [REDACTED] stated that he was having pain in his head, was very thirsty, and admits he was using marijuana. The records also indicate that "[p]atient is slow to respond and slow to answer questions" and that he was "restrained upon arrival because of violent behavior initially." The physical examination indicated that there was slight redness in the patient's right frontal area of his head. Redness and congestion of blood in the whites of Mr. [REDACTED]'s eyes were observed. CT scans and x-rays were also performed on Mr. [REDACTED]'s facial bones, spine, and brain, revealing no fractures or abnormalities. (Atts. 37, 38, 180)

IPRA also obtained medical records from **Mount Sinai Hospital** for Mr. [REDACTED] from **June 14, 2016**.<sup>9</sup> Mr. [REDACTED] complained of left shoulder pain, left forehead "swelling", and right distal fingertip numbness. A physical examination and x-rays were performed on Mr. [REDACTED]. The x-ray confirmed that there was no acute fracture, misalignment, or dislocation in the left shoulder. (Att. 179)

### **Other Documentary Evidence**

**Officer Rosen's Tactical Response Report (TRR)** documents that Mr. [REDACTED] was an assailant using force likely to cause death or great bodily harm in that he was observed choking a police officer, that there was a battery, and an imminent threat of battery. The report indicates that Mr. [REDACTED] used his mouth and hands/ fists as weapons. Officer Rosen responded by using open hand strikes, closed hand strikes, knee strikes, and kicks, resulting in injury to both the subject and the officer. (Att. 7)

**Officer Rosen's Officer's Battery Report** documents that two (2) officers were battered at the scene and that the manner of attack was a strike/blunt force with hands/fists and mouth. (Att. 8)

**Officer Pratscher's Tactical Response Report (TRR)** documents that Mr. [REDACTED] was an assailant using force likely to cause death or great bodily harm, that there was a battery, and an imminent threat of battery. The report indicates that Mr. [REDACTED] used verbal threats against Officer Pratscher as well as used his mouth as a

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<sup>9</sup> CPD attempted to conduct an interview with Mr. [REDACTED] at the 10th District lockup at approximately 9:00 p.m. on June 14, 2016 and was informed by lockup personnel that Mr. [REDACTED] had been transported back to Mount Sinai Hospital with complaints of a sore shoulder and feeling "queasy." (Att. 190)

weapon. Officer Pratscher responded by using open hand strikes, take down/emergency handcuffing, elbow strikes, and closed hand strikes/punches. (Att. 9)

**Officer Pratscher's Officer's Battery Report** documents that two (2) officers were battered at the scene and that the manner of attack was a strike/blunt force with hands/fists, mouth, choking, and included verbal threats. (Att. 10)

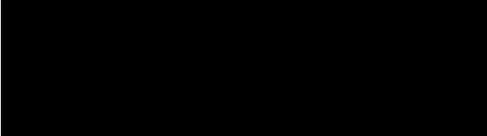
The **Arrest Report for Shaquille [REDACTED]** documents that the arresting officers were attempting to conduct a narcotic related investigation on Mr. [REDACTED] when he "grabbed at his waistband and fled on foot." Officer Pratscher gave chase across Roosevelt Road and observed vehicles stopping suddenly and swerving to avoid striking Mr. [REDACTED] and Officer Pratscher. The report documents that Mr. [REDACTED] fled through a wrought iron gate, turned and violently slammed the gate on Officer Pratscher, striking the right side of Officer Pratscher's body. After Officer Pratscher was able to pull Mr. [REDACTED] down by his shirt, he began to resist arrest by flailing his arms and refusing to comply with verbal commands, and began to strike Officer Pratscher with a closed fist about the body as he attempted to remove an item from his pocket. Mr. [REDACTED] then called out to a group of people near the arresting officers to help him fight off the officers. Mr. [REDACTED] was observed making a throwing motion with his right hand, and the officers observed several pink tinted zip lock bags containing a white powdery substance fall to the ground near Mr. [REDACTED]. During the struggle, Mr. [REDACTED] bit Officer Pratscher's right ring finger, and was then able to turn his body around and grab Officer Pratscher "by the neck, squeezing forcefully." Officer Rosen heard Officer Pratscher struggling and requesting assistance, at which point Officer Rosen delivered a leg strike to Mr. [REDACTED] which was successful in freeing Mr. [REDACTED]'s grip from Officer Pratscher's throat. The arresting officers, with the help of assisting officers who had later arrived on the scene, were able to gain control of Mr. [REDACTED] and place him in custody. The report reflects that during the struggle to place Mr. [REDACTED] in custody, Officer Rosen sustained injuries to his knee. The report also documents that Mr. [REDACTED] and Officer Pratscher were each transported by ambulance to hospitals for medical treatment. (Att. 5)

**Original Case Incident Report and Detective Supplemental Case Reports, HZ-305924**, documents information collected and reported by CPD regarding the incident on June 13, 2016 at [REDACTED]. The reports reflect that Mr. [REDACTED] became an assailant by punching Officer Pratscher with a closed fist about the body. The reports also reflect a statement from Officer Pratscher that while struggling on the ground, Mr. [REDACTED] began to yell to a nearby group of individuals "Yo! Yo! Hey help me, fuck this nigga up, get his ass," and that he continued to yell towards the group asking them to come grab the narcotics that he had thrown on the ground. Officer Pratscher stated that a group of approximately thirty (30) individuals began to run towards where he and Mr. [REDACTED] were struggling, making him feel threatened and afraid for his safety because the group was advancing on him, they appeared to know Mr. [REDACTED], and they were yelling threats at Officer Pratscher. The reports also reflect that Officer Rosen called for a 10-1 to get immediate assistance as a large crowd of agitated people were approaching the officers, and that he feared for his safety and that of his partner because the group was agitated and angered. Officer Rosen stated that he heard Officer Pratscher's voice and it sounded like he was struggling to speak, and that Officer Rosen observed Mr. [REDACTED] choking Officer Pratscher with a free hand. Officer Rosen went to help his partner by delivering a kick to Mr. [REDACTED], which was successful in that he was stunned and freed his grip on Officer Pratscher's throat. The reports reflect that Mr. [REDACTED] continued to resist by pulling his arms away to avoid control, and that officers were finally able to gain control of him with the help of assisting units. (Atts. 6; 129; 190)

**CFD EMS Incident Report** reflects information from the ambulance that treated Mr. [REDACTED] on the scene. The report indicates that upon the paramedics' arrival, Mr. [REDACTED] was "hostile and aggressive, confused in police custody on the ground," and "patient is confused and screaming inappropriate words. No visible injury

noted. ... Initially hard to get BP due to patient fighting and moving while on the backboard. Patient in police cuffs to backboard due to level of hostility.” (Att. 39)

**Approved:**

  
COPA Inv. Jessica Sanchez, #45

  
COPA Supervisor Mark Javier, #17

**CONCLUSION/ANALYSIS:**

COPA recommends a finding of **Exonerated** for **Allegation #1** against **Officer Anthony Rosen**, in that, on June 13, 2016, Officer Rosen stated, “get the fuck back” to a crowd of civilians during the incident on W. Greshaw Street. Pursuant to the Rules and Regulations of the Chicago Police Department, Rule 08 prohibits an officer from disrespect or maltreatment of any person, while on or off duty, and Rule 09 prohibits an officer from engaging in any unjustified verbal or physical altercation with any person, while on or off duty.

While the video evidence clearly depicts Officer Rosen stating, “get the fuck back” to a crowd of civilians, Officer Rosen’s use of profanity towards the crowd occurred after he had delivered the leg strike to Mr.  while the crowd was encroaching upon the officers and yelling threats and profanities towards the officers. Officer Rosen admitted to using such language in that situation in order to convey authority to them and to get them to comply with his commands until other officers could arrive on the scene to provide assistance.<sup>10</sup> The video evidence shows that when Officer Rosen used such language towards the crowd, Officer Pratscher was still struggling to handcuff Mr. , no other officers had yet arrived on the scene, and individuals in the crowd of civilians were shouting obscenities and verbal threats towards the officers that were increasing in hostility after Officer Rosen kicked Mr.  in the head. Given the totality of the circumstances, the use of such language by Officer Rosen was neither unjustified nor disrespectful. Based on the video evidence, the totality of the circumstances and the preponderance of the evidence, Allegation #1 is Exonerated.

COPA recommends a finding of **Exonerated** for **Allegation #2** against **Officer Anthony Rosen**, in that, on June 13, 2016, Officer Rosen kicked Mr.  in his head and/or face. Pursuant to the Use of Force Model as set forth in Chicago Police Department’s General Orders 03-02-01 and 03-02-02, a direct mechanical strike to an assailant’s body is an appropriate use of force on an assailant that is engaged in conduct that is likely to cause death or serious physical injury. Applicable provisions of Chicago Police Department General Order 03-02-03, II, also provide that an officer is justified in using force likely to cause death or great bodily harm only when he reasonably believes such force is necessary to prevent death or great bodily harm to himself or another person, or to prevent an arrest from being defeated by resistance or escape and the officer reasonably believes that the person to be arrested has otherwise indicated that he will endanger human life or inflict great bodily harm unless arrested without delay.

Based on the totality of the circumstances, the use of force by Officer Rosen against Mr.  in delivering the leg strike was objectively reasonable and within Department policy. A preponderance of evidence

<sup>10</sup> Rosen, Attachment 203, Page 29, Lines 5-23.

demonstrates that Mr. ██████ presented an imminent threat of death or great bodily harm to Officer Pratscher. Officer Pratscher explained that Mr. ██████ was choking him, the available video evidence shows that Mr. ██████'s hand is on or near Officer Pratscher's neck area, supporting this assertion.

The video evidence shows that Mr. ██████ was actively using force against Officer Pratscher in an attempt to evade or resist arrest, and that Officer Pratscher was in need of immediate assistance to prevent death or great bodily harm from being inflicted upon him by Mr. ██████. Additionally, the video evidence also shows that Officer Pratscher's weapon was within Mr. ██████'s reach while he was struggling with Officer Pratscher. As such, the use of a leg strike by Officer Rosen on Mr. ██████ to stop him from causing death or great bodily harm to the officers was objectively reasonable, within Department Policy as outlined by the Chicago Police Department's General Order 03-02-03, II; and the Illinois State statute regarding permissible use of force in effecting an arrest. Officer Rosen's use of force by way of leg strike also complied with applicable constitutional standards.

COPA recommends a finding of **Sustained** for **Allegation #3** against **Officer Anthony Rosen**, in that, on June 13, 2016, Officer Rosen delivered a knee strike to Mr. ██████'s head. Pursuant to the Chicago Police Department's General Order 03-02-02, officers are expected to de-escalate and use Force Mitigation principles whenever possible and appropriate before resorting to force and to reduce the need for force. Officers are expected to continually assess the situation to determine if any use of force is necessary, the appropriate level of force option based on the totality of the circumstances, and if the level of force employed should be modified based upon the subject's actions or other changes in the circumstances. The level of force should be de-escalated immediately as resistance decreases, while staying in control and as safety permits, and in accordance with the Department's Use of Force Model. Pursuant to the Use of Force Model as set forth in Chicago Police Department's General Orders 03-02-01 and 03-02-02, a direct mechanical strike to an assailant's body is not an appropriate use of force against an active resister. This type of resistance by an offender includes gestures ranging from evasive movement of the arms through flailing of the arms with the intent to avoid physical control and/or defeat arrest.

Based on the video evidence and the testimony of the interviewed officers, there is preponderance of evidence that at the point when Officer Rosen delivered the knee strike to Mr. ██████, Mr. ██████ was no longer an active assailant and was, at most, an active resister. After Officer Rosen kicked Mr. ██████'s head against the pavement, the video evidence and testimonial evidence clearly show that the kick successfully stunned Mr. ██████ and caused him to release his grip on Officer Pratscher. Testimonial evidence from multiple officers indicate that Mr. ██████ continued to flail his arms after the leg kick. However, there is no evidence corroborating Officer Rosen's testimony that Mr. ██████ had bitten Officer Rosen or attempted to cause physical injury to Officer Rosen before the knee strike was delivered.

Even if Mr. ██████ did in fact bite Officer Rosen in his right leg, under a totality of the circumstances, the use of a knee strike to Mr. ██████'s head would still be excessive in response to such level of force. Officer Rosen should have been aware that a knee strike to Mr. ██████'s head approximately one minute after the infliction of a serious kick to the head that caused his head to hit against pavement could have caused death or serious bodily injury to Mr. ██████. Further, both Officer Pratscher and Officer Rosen had physically pinned Mr. ██████ to the ground, and Officer Rosen was aware of uniformed officers arriving on the scene when the knee kick was delivered. Therefore, the circumstances had materially changed between the time that Officer Rosen kicked Mr. ██████ in the head and when Officer Rosen delivered the knee strike in that the threat of Mr. ██████ inflicting serious bodily harm had been effectively neutralized at that point. Based on the totality of the circumstances, the use of force by Officer Rosen against Mr. ██████ in delivering the knee strike to Mr. ██████'s head was not objectively reasonable, nor necessary to affect an arrest or to prevent the infliction of great bodily

harm upon another person. Officer Rosen failed to assess the appropriate use of force option based on changed circumstances and de-escalate the use of force used on Mr. [REDACTED]. Officer Rosen's actions in delivering the knee strike to Mr. [REDACTED] was therefore not within Department Policy as outlined by the Chicago Police Department's General Order 03-02-02. Further, Officer Rosen's action in using the knee strike to Mr. [REDACTED]'s head under the circumstances was in violation of Rule 08 and Rule 09 of the Rules and Regulations of the Chicago Police Department.

COPA recommends a finding of **Sustained** for **Allegation #4** against **Officer Anthony Rosen** in that, on June 13, 2016, Officer Rosen pointed towards civilians and stated, "bring it motherfucker, bring it. Do somethin'" towards a civilian at the scene of the incident. Pursuant to the Rules and Regulations of the Chicago Police Department, Rule 02 Prohibits any action or conduct which impedes the Department's efforts to achieve its policy and goals or brings discredit upon the Department, Rule 08 prohibits an officer from disrespect or maltreatment of any person, while on or off duty, and Rule 09 prohibits an officer from engaging in any unjustified verbal or physical altercation with any person, while on or off duty.

According to Officer Rosen, he does not recall saying, "bring it motherfucker, bring it" but does recall saying, "do something." Officer Rosen explained that he said, "do something" to the male on the video because he was relaying to him that if he continued his actions, that male would be arrested. Officer Rosen said that he did not attempt to escalate, fight, intimidate or taunt the male when he made the statement. However, when asked why he did not use verbal commands or specifically relate to the male that if he continued his actions he would be arrested, Officer Rosen said that he choose not to use those words. The preponderance of evidence indicates that Officer Rosen was challenging the male. The video evidence clearly depicts Officer Rosen making such statements towards civilians at the scene of the incident at a point after Mr. [REDACTED] had been handcuffed, other officers were on the scene, and a perimeter to control the crowd had been secured. Thus, Officer Rosen's comments served no legitimate police function. Such taunts made toward the male shortly after Officer Rosen had been observed kicking and kneeling Mr. [REDACTED] in the head while trying to affect an arrest was a disrespectful, unjustified verbal altercation that impedes the Department's efforts to achieve its policy goals within the community. There is a preponderance of evidence that such statements were not within Department policy.

**FINDINGS:**

**Allegation #1**            **Exonerated**

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**Allegation #2**            **Exonerated**

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**Allegation # 3**            **Sustained**-Violation of Rule 8, “Disrespect to or maltreatment of any person, while on or off duty,” in that on 13 June 2016, at approximately 3:15 p.m. at [REDACTED] Officer Rosen physically maltreated [REDACTED] when he delivered a knee strike to Mr. [REDACTED]’s head.

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**Allegation #4**            **Sustained**-Violation of Rule 9, “Engaging in any unjustified verbal or physical altercation with any person, while on or off duty” in that on 13 June 2016, at approximately 3: 15 p.m., at [REDACTED] Officer Rosen pointed at a civilian at the location of incident and stated, “bring it motherfucker, bring it. Do something.”

**Additional Violation:**

**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,” in that on 13 June 2016, at approximately 3:15 p.m., at [REDACTED] Officer Rosen brought discredit upon the Department when he engaged in a physical altercation with Mr. [REDACTED], engaged in an unjustified verbal altercation with a civilian at the location of the incident, and by his overall actions during the incident.

**Approved:**

[REDACTED]

Deputy Chief  
Joshua Hunt, COPA

[REDACTED]

Deputy Andrea Kersten, COPA