

**SUMMARY REPORT OF INVESTIGATION**

**I. EXECUTIVE SUMMARY**

Date of Incident:	July 25, 2018
Time of Incident:	7:02 pm
Location of Incident:	2802 W. Division
Date of COPA Notification:	July 26, 2018
Time of COPA Notification:	8:02 am

On July 25, 2018, at approximately 7:00 pm, Chicago Police Officers Kashif Khan and Valente Lara observed a group of men sitting on a park bench, near the sidewalk, at Humboldt Park. The officers noticed that the men were drinking on the public way, which is a violation of City Ordinance.

The officers stopped and approached the group. One of the men became belligerent as the officers investigated and refused to sign the Administrative Notice of Ordinance Violation (ANOV). The officers arrested Mr. [REDACTED] and called for a transport vehicle to take him to the district station for processing. And, it is believed, an officer drove Mr. [REDACTED] green van to the district station before it was towed to the Pound #6 by the City.

Mr. [REDACTED] filed a complaint with the CPD against the involved officers for, among other things, Excessive Force and Verbal Abuse. CPD forwarded the complaint to COPA for investigation.

**II. INVOLVED PARTIES<sup>1</sup>**

Accused Officer #1:	Kashif Khan, star # 4471, employee ID# [REDACTED], Date of Appointment September 24, 2007, PO, Unit of Assignment 014, DOB [REDACTED], 1973, Male, Asian Pacific Islander.
Witness Officer #1:	Valente Lara, star # 13954, employee ID# [REDACTED], Date of Appointment August 29, 2005, PO, Unit of Assignment 014, DOB [REDACTED], 1979, Male, Hispanic.
Witness Officer #2:	Alfredo Mendez, star # 9637, employee ID# [REDACTED], Date of Appointment February 25, 2002, PO, Unit of Assignment 014, DOB [REDACTED], 1974, Male, Hispanic.
Involved Individual #1:	[REDACTED] DOB [REDACTED], 1963, Male, White Hispanic.

**III. ALLEGATIONS**

<sup>1</sup> An attempt was made to interview witnesses [REDACTED], [REDACTED], [REDACTED] and [REDACTED], but none of them cooperated with the investigation.

Officer	Allegation	Finding
Officer Kashif Khan	1. It is alleged that on July 25, 2018, at or about 7:02 pm, at or near 2802 S. Division, Officer Kashif Khan handcuffed [REDACTED] too tightly in violation of Rules 2 and 8 and G03-02 Use of Force.	UNFOUNDED
	2. It is alleged that on July 25, 2018, at or about 7:02 pm, at or near 2802 S. Division, Officer Kashif Khan used excessive force when he jerked [REDACTED] by the handcuffs, in violation of Rules 2 and 8 and G03-02 Use of Force.	UNFOUNDED
	3. It is alleged that on July 25, 2018, at or about 7:02 pm, at or near 2802 S. Division, Officer Kashif Khan used excessive force when he placed [REDACTED] into his police vehicle, in violation of Rules 2 and 8 and G03-02 Use of Force.	UNFOUNDED
	4. It is alleged that on July 25, 2018, at or about 7:02 pm, at or near 2802 S. Division, Officer Kashif Khan was verbally abusive when he spoke to [REDACTED] in violation of Rules 2 and 8.	UNFOUNDED
	5. It is alleged that on July 25, 2018, at or about 7:02 pm, at or near 2802 S. Division, Officer Kashif Khan drove [REDACTED] vehicle in an unprofessional manner when moving it to a different location, causing damage, in violation of Rule 2.	UNFOUNDED
	6. It is alleged that on July 25, 2018, at or about 7:02 pm, at or near 2802 S. Division, Officer Kashif Khan threw Mr. [REDACTED] around in front of his friends, who then began to laugh at him, in violation of Rules 2 and 8.	UNFOUNDED

**IV. APPLICABLE RULES AND LAWS**

Rules

1. Rule 2-Any action or conduct which impedes the Department’s efforts to achieve its policy and goals or brings discredit upon the Department.
2. Rule 8-Disrespect to or maltreatment of any person, while on or off duty.

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**General Orders**

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1. G03-02 Use of Force
2. G07-03 Vehicle Towing and Relocation Operations

**V. INVESTIGATION<sup>2</sup>****a. Interviews**

██████████ was interviewed at COPA on August 9, 2018. According to Mr. ██████████ he went to the liquor store and purchased a 40 oz. bottle of beer and went to the park at the address in question.<sup>4</sup> He went and sat on a park bench, near his friends, a short distance from where he parked his van. As Mr. ██████████ drank the beer, officers appeared on the scene.<sup>5</sup>

They told Mr. ██████████ they saw the beer in his hand. An officer, now known as Officer Kashif Kahn, asked for his ID. He gave the officer his military ID, but did not offer his state ID. He is a private person and did not want the officer to know his address. When Officer Khan asked him if he had another form of ID, he told the officer, no, even though he did have one.<sup>6</sup>

The officer then told Mr. ██████████ that when he gave him the ticket for drinking in the park, he would have to sign it and appear in court. Soon after, Officer Khan asked Mr. ██████████ if he would sign the ticket, and Mr. ██████████ responded, no, because that would be admitting guilt.<sup>7</sup> Officer Khan then arrested Mr. ██████████ for refusing to sign the ticket. Mr. ██████████ stated that he later offered to sign the ticket, but Officer Khan said it was now too late.<sup>8</sup> Mr. ██████████ described Officer Khan as abusive verbally and physically.<sup>9</sup> He then grabbed Mr. ██████████ by the wrist, pulled his arms back. Officer Khan handcuffed Mr. ██████████ too tightly, and then started to jerk him around.<sup>10</sup>

Mr. ██████████ then stated that the officer was “pulling him” and shoving him over to the police vehicle. Officer Khan then threw him into the police SUV, in which he could barely fit because he is a “big guy.” His arms were behind his back with all his weight on his wrists, and he twisted his wrists as a result.<sup>11</sup> The investigator asked Mr. ██████████ what he meant when he said the officer threw him around. He responded the officer jerked him by the handcuffs, which hurt

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<sup>2</sup> COPA conducted a thorough and complete investigation. The following is a summary of the material evidence gathered and relied upon in our analysis.

<sup>3</sup> Att. 16.

<sup>4</sup> Att. 16 at 03:50.

<sup>5</sup> Att. 16 at 04:20.

<sup>6</sup> Att. 16 at 05:40 and 21:38.

<sup>7</sup> Att. 16 at 06:15.

<sup>8</sup> Att. 16 at 11:50.

<sup>9</sup> Att. 16 at 07:10.

<sup>10</sup> Att. 16 at 07:39.

<sup>11</sup> Att. 16 at 08:00.

his wrists.<sup>12</sup> While he was in the police vehicle, he told the officer the handcuffs were too tight, but he did not loosen them up.<sup>13</sup>

When asked if he received medical treatment for his wrists, Mr. ██████ stated on the record that he was at the VA Hospital for an unrelated matter, and the attending doctor, who saw the injuries, told him to come back at another time for examination and x-rays because “he had to prioritize” on account of his case load.<sup>14</sup> At the time of the interview, Mr. ██████ had still not sought treatment. Mr. ██████ showed the investigators the marks on his wrists above thumbs and bruising on hands.<sup>15</sup>

Mr. ██████ also mentioned that Officer Khan took his wallet and keys out of his pocket before he put him in the SUV.<sup>16</sup> He then alleged his friends told him that when the officer drove his vehicle away, he revved up the engine very high and “burned rubber” as he drove the vehicle through the park.<sup>17</sup> At the end of his interview, he made a point to mention that the officers who ultimately transported him to lockup, and the officers at the station, were very nice to him.

### **b. Digital Evidence**

#### **BWC<sup>18</sup>**

BWC captured Officer Kahn exit a police vehicle and approach three men sitting on a park bench at Humboldt Park with open alcohol. He reminded the men that it was unlawful to drink in the park. He asked all three men for identification, and they all complied. The man in the orange shirt, now known as Mr. ██████ told the officer he did not have a state ID or an ID with his date of birth on it.<sup>19</sup> When Officer Khan asked him for his date of birth, address, and other information, he did provide it. Mr. ██████ wore a white bracelet on his left wrist.

As Officer Khan reviewed the IDs, Mr. ██████ was captured on BWC stating that he “doesn’t give a shit”, they could give him a thousand tickets, and that he would never show up to court.<sup>20</sup> Soon after, Officer Khan asked Mr. ██████ if he was going to sign the ticket, and explained he did not have to appear at court, to which he responded,<sup>21</sup> no. Officer Khan then told Mr. ██████ to stand up. Mr. ██████ complied but then stated that he would sign the ticket, however, Officer Khan said it was too late. Officers Khan and Lara handcuffed Mr. ██████<sup>22</sup> Mr. ██████ told the officers to, “take it easy”, to which Officer Khan responded that they were not being rough with him.

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<sup>12</sup> Att. 16 at 12:30.

<sup>13</sup> Att. 16 at 19:00.

<sup>14</sup> Att. 16 at 13:40.

<sup>15</sup> Att. 16 at 15:20.

<sup>16</sup> Att. 16 at 21:50.

<sup>17</sup> Att. 16 at 23:10.

<sup>18</sup> Att. 28A.

<sup>19</sup> Att. 28A at 01:23.

<sup>20</sup> Att. 28A at 02:40.

<sup>21</sup> Att. 28A at 04:30.

<sup>22</sup> Att. 28A at 04:50.

As the officers attempted to guide him to a black SUV, Mr. ██████ attempted to walk in the opposite direction, and stated that his vehicle was “right there” and called out to his friends to watch his stuff, as officer Khan tried to move him back toward the SUV.”<sup>23</sup> Mr. ██████ then asked one of the men he was with if he had his keys, to which he responded, yes.<sup>24</sup> This person gave the keys to the officers. Shortly thereafter, Officer Lara and Officer Mendoza took Mr. ██████ who continued to stand outside the black SUV, to a marked police transport vehicle, which he entered on his own without contact from any officer.<sup>25</sup> Mr. ██████ also stated that Officer Khan handcuffed him to a pole in a holding cell, at the first police station he went to, in an uncomfortable manner.

Officer Khan and Lara served the other two men with ANOVs for open alcohol in the park.

Officer Khan then took the keys to Mr. ██████ van and attempted to start it but was unable to.<sup>26</sup>

### Photo<sup>27</sup>



**c. Documentary Evidence**

### Initiation Report

On July 26, 2018, COPA received an Initiation Report drafted by Sergeant Paul Santangelo which stated that on July 25, 2018, at 7:00 pm, the complainant stated that during an arrest for drinking on the public way, the arresting officers grabbed him in an abusive way, slapped handcuffs on him too tightly, and threw him around in front of his friends who laughed at him.

### Arrest Report-7/25/18 – CB# ██████

On July 25, 2018, at 7:02 pm, officers pulled up to Humboldt Park and observed a heavysset Hispanic male wearing an orange shirt. The man had a black plastic bag on the ground next to

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<sup>23</sup> Att. 28A at 05:10.

<sup>24</sup> Att. 28A at 06:15.

<sup>25</sup> Att. 28A at 08:32 and 28C.

<sup>26</sup> Att. 28 B.

<sup>27</sup> Att. 29 (One of several photos.)

him. The officers performed an investigatory stop and observed a glass bottle of alcohol in the black plastic bag. The man, now known as ██████ became belligerent and stated he would not show up to court no matter how many tickets he received. Mr. ██████ was arrested for refusing to sign an ANOV for Drinking on the Public Way.

Mr. ██████ was taken to the Male Lock-UP in the 19<sup>th</sup> District. In the Lockup Keeper Processing section, there were no obvious signs or injury or pain, and it was indicated that the arrestee was not taking any prescribed medication.

#### **Arrest Report-8/15/18 – CB# ██████**

On August 15, 2018, Mr. ██████ was arrested for battery and assault. Mr. ██████ was taken to the Central Male Lockup. In the Lockup Keeper Processing section, it was reported, among other things, that Mr. ██████ had obvious pain or injury, and had a mental illness for which he was taking medication. It also reported that Mr. ██████ was cleared from the hospital for two fractured wrists (left and right) and stated he had a broken rib. He also told the lockup keeper that he is bipolar and has PTSD but did not need his medication.

#### **Medical Records<sup>28</sup>**

Medical records for Mr. ██████ were obtained from the Jesse Brown VA Hospital. Mr. ██████ visited the hospital beginning on July 25, 2018, at approximately 8:00 am, after having been at Norwegian American Hospital for treatment related to alcohol withdrawal. He was still wearing the hospital bracelet when he arrived. Mr. ██████ visited the Jesse Brown VA Hospital, seemingly daily, from July 25, 2018, through July 29, 2018. At Jesse Brown, Mr. ██████ presented with a history of, among other things, hypertension, PTSD, bipolar disorder, and alcohol abuse.<sup>29</sup> And, hospital records reported a list of his current medications.

On July 27, 2018, Mr. ██████ told his social worker that he had been involved in an argument with someone at the park two days earlier, which escalated to a physical confrontation. He also mentioned that it involved the Chicago Police, that he had been arrested, and that his vehicle had been impounded.<sup>30</sup> There was no mention of his wrists or of any other physical injuries sustained by him. In fact, in the entire 124-page medical report, there was no mention of x-rays of his wrists, pain in his wrists, or any other physical injury sustained during the incident with the police.

#### **Vehicle Impound Documents<sup>31</sup>**

On July 25, 2018, a Vehicle Tow Report was completed by Officer Khan in regard to a 1996 Chevrolet Astro Van owned by ██████ It was marked as drivable, classified as “Arrestee’s Property”, and was towed from the 14<sup>th</sup> District at 2150 N. California at 9:53 pm, by tow truck driver #8286, and was taken to Pound #6 at 701 N. Sacramento.<sup>32</sup>

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<sup>28</sup> Att. 8.

<sup>29</sup> Att. 8 page 12.

<sup>30</sup> Att. 8 page 122.

<sup>31</sup> Att. 10.

<sup>32</sup> In a phone conversation with COPA Investigator, ██████ with the City of Chicago (312) 746-4954 related that the vehicle was never picked up and was disposed of on September 5, 2018.

**To/From Memo**<sup>33</sup>

On August 28, 2018, Mr. ██████ spoke with COPA Investigator and stated, among other things, that both of his wrists were “fractured”, that he was going to file a lawsuit against the City of Chicago, and that he did not claim his impounded vehicle because the cost would have been too great.

**VI. LEGAL STANDARD**

For each Allegation COPA must make one of the following findings:

1. Sustained - where it is determined the allegation is supported by a preponderance of the evidence;
2. Not Sustained - where it is determined there is insufficient evidence to prove the allegations by a preponderance of the evidence;
3. Unfounded - where it is determined by clear and convincing evidence that an allegation is false or not factual; or
4. Exonerated - where it is determined by clear and convincing evidence that the conduct described in the allegation occurred, but it is lawful and proper.

A **preponderance of evidence** can be described as evidence indicating that it is **more likely than not** that the conduct reviewed complied with Department policy. *See Avery v. State Farm Mutual Automobile Insurance Co.*, 216 Ill. 2d 100, 191 (2005), (a proposition is proved by a preponderance of the evidence when it has found to be more probably true than not). If the evidence gathered in an investigation establishes that it is more likely that the conduct complied with Department policy than that it did not, even if by a narrow margin, then the preponderance of the evidence standard is met.

**Clear and convincing evidence** is a higher standard than a preponderance of the evidence but lower than the “beyond-a-reasonable doubt” standard required to convict a person of a criminal offense. *See e.g., People v. Coan*, 2016 IL App (2d) 151036 (2016). Clear and Convincing can be defined as a “degree of proof, which, considering all the evidence in the case, produces the firm and abiding belief that it is highly probable that the proposition . . . is true.” *Id.* at ¶ 28.

**VII. ANALYSIS**

Mr. ██████ account of what occurred during the incident in question, on almost every point, is contradicted by BWC and other related evidence. Among other things, he admitted to lying to police about having a State ID on his person at the time of his arrest. Furthermore, none of the excessive force or verbal abuse Mr. ██████ alleged was captured on BWC. And, his explanation that a doctor told him he had to “prioritize” his examination of Mr. ██████ and told him to make a later appointment to have his hands tended to is unbelievable. Mr. ██████ visited the VA hospital every day from July 25, 2018-July 29, 2018 and never had an x-ray of his wrists, despite the fact he claimed they were fractured. However, on one visit,

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<sup>33</sup> Att. 35.

hospital records show he reported the incident with the police, but there was no mention of any injury. A month later, when Mr. [REDACTED] was arrested, he again claimed he had broken wrists.

COPA finds that **Allegation #1**, that on July 25, 2018, at or about 7:02 pm, at or near 2802 S. Division, Officer Kashif Khan handcuffed [REDACTED] too tightly in violation of Rules 2 and 8 and G03-02 Use of Force, is not supported by the evidence and is **UNFOUNDED**.

A thorough review of the BWC footage for Officer Khan and Officer Mendez confirmed that there was no evidence Mr. [REDACTED] ever complained that the handcuffs were too tight, from the time he was handcuffed to the time he got into Officer Mendez's marked police vehicle. In fact, two sets of handcuffs were used because of his size. Therefore, this allegation is Unfounded.

COPA finds that **Allegation #2**, that on July 25, 2018, at or about 7:02 pm, at or near 2802 S. Division, Officer Kashif Khan used excessive force when he jerked [REDACTED] by the handcuffs, in violation of Rules 2 and 8 and G03-02 Use of Force, is not supported by the evidence and is **UNFOUNDED**.

A thorough review of the BWC footage for Officer Khan confirmed that there is no evidence that Officer Khan ever jerked [REDACTED] by the handcuffs as alleged. Therefore, this allegation is Unfounded.

COPA finds that **Allegation #3**, that on July 25, 2018, at or about 7:02 pm, at or near 2802 S. Division, Officer Kashif Khan used excessive force when he placed [REDACTED] into his police vehicle, in violation of Rules 2 and 8 and G03-02 Use of Force, is not supported by the evidence and is **UNFOUNDED**.

A thorough review of all BWC associated with this event confirmed that not only was Mr. [REDACTED] never placed inside the unmarked SUV driven by Officer Khan and his partner as alleged, but he also entered the marked transport vehicle on his own, with no assistance, or force of any kind from Officer Khan or anyone else. Furthermore, there were no actions captured on Officer Khan's BWC that confirmed Mr. [REDACTED] wrists, hands or arms were injured by him in any way. Therefore, this allegation is Unfounded.

COPA finds that **Allegation #4**, that on July 25, 2018, at or about 7:02 pm, at or near 2802 S. Division, Officer Kashif Khan was verbally abusive when he spoke to [REDACTED] in violation of Rules 2 and 8, is not supported by the evidence and is **UNFOUNDED**.

A thorough review of all BWC associated with this event confirmed that neither Officer Khan nor any of the other officers' present were in any way verbally abusive to [REDACTED]. Therefore, this allegation is Unfounded.

COPA finds that **Allegation #5**, that on July 25, 2018, at or about 7:02 pm, at or near 2802 S. Division, Officer Kashif Khan drove [REDACTED] vehicle in an unprofessional manner when moving it to a different location, causing damage, in violation of Rule 2, is not supported by the evidence and is **UNFOUNDED**.

The available evidence relating to Mr. [REDACTED] vehicle suggested that it is highly probable this allegation, like the others, is untrue. The impound documents, for example, indicated that the vehicle was drivable at the time it was recovered. Furthermore, there is no evidence, other than Mr. [REDACTED] allegation, that anything unusual occurred during transport from the scene to the district station. BWC did establish, however, that before Officer Khan drove the vehicle to the district station, there were already mechanical issues with the vehicle, in that it was difficult to start using the key. And there was no way to prove there was any additional damage done to the vehicle because Mr. [REDACTED] chose not to recover the vehicle, which was destroyed without any documentation of said damage. For those reasons, and because Mr. [REDACTED] credibility is so diminished, this allegation is Unfounded.

COPA finds that **Allegation #6**, that on July 25, 2018, at or about 7:02 pm, at or near 2802 S. Division, Officer Kashif Khan threw Mr. [REDACTED] around in front of his friends, who then began to laugh at him, in violation of Rules 2 and 8, is not supported by the evidence and is **UNFOUNDED**.

A thorough review of all BWC associated with this event confirmed that Officer Khan did not throw Mr. [REDACTED] around in front of his friends, nor did his friends ever laugh at him. Therefore, this allegation is Unfounded.

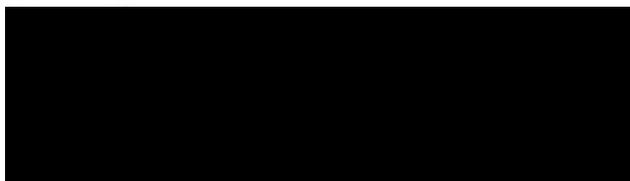
**VIII. CONCLUSION**

Based on the analysis set forth above, COPA makes the following findings:

Officer	Allegation	Finding
Officer Kashif Khan	1. It is alleged that on July 25, 2018, at or about 7:02 pm, at or near 2802 S. Division, Officer Kashif Khan handcuffed [REDACTED] too tightly in violation of Rules 2 and 8 and G03-02 Use of Force.	UNFOUNDED
	2. It is alleged that on July 25, 2018, at or about 7:02 pm, at or near 2802 S. Division, Officer Kashif Khan used excessive force when he jerked [REDACTED] by the handcuffs, in violation of Rules 2 and 8 and G03-02 Use of Force.	UNFOUNDED
	3. It is alleged that on July 25, 2018, at or about 7:02 pm, at or near 2802 S. Division, Officer Kashif Khan used excessive force when he placed [REDACTED] into his police vehicle, in violation of Rules 2 and 8 and G03-02 Use of Force.	UNFOUNDED

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| 4. It is alleged that on July 25, 2018, at or about 7:02 pm, at or near 2802 S. Division, Officer Kashif Khan was verbally abusive when he spoke to [REDACTED] in violation of Rules 2 and 8.  | UNFOUNDED |
| 5. It is alleged that on July 25, 2018, at or about 7:02 pm, at or near 2802 S. Division, Officer Kashif Khan drove [REDACTED] vehicle in an unprofessional manner when moving it to a different location, causing damage, in violation of Rule 2. | UNFOUNDED |
| 6. It is alleged that on July 25, 2018, at or about 7:02 pm, at or near 2802 S. Division, Officer Kashif Khan threw Mr. [REDACTED] around in front of his friends, who then began to laugh at him, in violation of Rules 2 and 8.                  | UNFOUNDED |

Approved:



Angela Hearts-Glass  
*Deputy Chief Investigator*

12-10-2021

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Date