

**SUMMARY REPORT OF INVESTIGATION**

Date/Time/Location of Incident:	May 8, 2018/ 1:00 AM/ 1728 S. State St. - 1 <sup>st</sup> District Station
Date/Time of COPA Notification:	May 8, 2018/ 10:52 AM
Involved Officer #1:	Jeffrey Smith, Star #: n/a, Employee ID # [REDACTED], Date of Appointment: May 17, 1993, Police Officer, 1 <sup>st</sup> District, Date of Birth: [REDACTED], 1969, Male, White, Resignation Date: June 15, 2021 <sup>1</sup>
Involved Officer #2:	Steven Johnson, Star #: n/a, Employee ID # [REDACTED], Date of Appointment: August 27, 1990, Police Officer, 1 <sup>st</sup> District, Date of Birth: [REDACTED], 1963, Male, Black, Resignation Date: July 15, 2020 <sup>2</sup>
Involved Officer #3:	Queen Graham, Star #: 12534, Employee ID # [REDACTED], Date of Appointment: January 25, 1988, Police Officer, 1 <sup>st</sup> District, Date of Birth: [REDACTED], 1957, Female, Black, Resignation Date: December 15, 2020 <sup>3</sup>
Involved Officer #4:	Unknown
Involved Officer #5:	Elliott Musial, Star #910, Employee ID # [REDACTED], Date of Appointment: July 27, 1998, Sergeant of Police, Unit 650 (Detectives – Area 5), Date of Birth: [REDACTED], 1975, Male, White
Involved Officer #6:	Joseph Keeter, Star #: n/a, Employee ID # [REDACTED], Date of Appointment: July 30, 1990, Sergeant of Police, 1 <sup>st</sup> District, Date of Birth: [REDACTED], 1963, Male, White, Resignation Date: June 15, 2020 <sup>4</sup>
Involved Officer #7:	Steven Konow, Star #286, Employee ID # [REDACTED], Date of Appointment: December 26, 1989, Lieutenant of Police, 1 <sup>st</sup> District, Date of Birth: [REDACTED], 1962, Male, White
Involved Individual #1:	[REDACTED] Date of Birth: [REDACTED], 1995, Female, Black
Case Type:	False Arrest & Excessive Force

<sup>1</sup> Att. 51<sup>2</sup> Att. 52<sup>3</sup> Att. 53<sup>4</sup> Att. 54

## I. ALLEGATIONS

Officer	Allegation	Finding
Officer Smith, Officer Johnson, Officer Graham, Unknown Officer, Sergeant Musial, Sergeant Keeter & Lieutenant Konow	<p>It is alleged that on May 8, 2018, at approximately 1:00 AM, at or near the Chicago Police Department's 1<sup>st</sup> District Station with an address of 1728 S. State St., the accused engaged in misconduct through the following acts/and or omissions:</p> <ol style="list-style-type: none"> <li>1. Arrested [REDACTED] without justification;</li> <li>2. Performed an emergency takedown on [REDACTED] [REDACTED] without justification;</li> <li>3. Carried [REDACTED] to lockup instead of allowing her to walk; and</li> <li>4. Failed to complete a Tactical Response Report ("TRR").</li> </ol>	<p>Not Sustained</p> <p>Not Sustained</p> <p>Not Sustained</p> <p>Not Sustained</p>

## II. SUMMARY OF EVIDENCE<sup>5</sup>

COPA interviewed [REDACTED] on May 9, 2018.<sup>6</sup> [REDACTED] stated that on May 8, 2018, she was in a car driven by her friend, [REDACTED] when [REDACTED] was pulled over and arrested. The officers brought [REDACTED] and the other passenger, [REDACTED] [REDACTED]<sup>7</sup> to the 1<sup>st</sup> District police station because the officers were towing [REDACTED] car. [REDACTED] walked into the station to ask questions about her friend's arrest and began recording on her phone when she was not getting answers. [REDACTED] acknowledged she was upset and had an aggressive tone. A white male officer asked [REDACTED] to leave the station, and she started walking towards the door. Officers then pushed [REDACTED] towards the door as she continued to record. A male sergeant came out and told [REDACTED] to leave or face arrest, and to put down her phone. [REDACTED] responded that she was leaving but she refused to stop recording, at which point Officer Smith grabbed her phone and arrested her. Officers "slammed [REDACTED] down on the ground, knee in back, very aggressive."<sup>8</sup> They then dragged [REDACTED] to a cell, where she had difficulty breathing. [REDACTED] was unable to get her phone back because it was being held for investigation. As a result of the

<sup>5</sup>COPA conducted a full and complete investigation of this matter, including the interview of all pertinent civilian and officer witnesses, and the collection and review of digital and documentary evidence. As part of COPA's ongoing efforts to increase case closure capacity, certain cases are summarized more succinctly in a Modified Summary Report of Investigation.

<sup>6</sup> Att. 7.

<sup>7</sup> [REDACTED] did not appear at a scheduled COPA interview or respond to additional contact attempts (Atts. 45 & 48).

<sup>8</sup> Att. 7 at approximately 6:42 minutes.

incident, [REDACTED] back hurt, and she reported pain, swelling, and bruising to her wrists/arms and ankles/legs.

COPA interviewed [REDACTED] on May 9, 2018.<sup>9</sup> [REDACTED] stated that on May 8, 2018, officers arrested her for speeding while [REDACTED] and [REDACTED] were in her car. [REDACTED] was transported to the 1<sup>st</sup> District, and as she was being processed, she heard [REDACTED] say she could not breathe. [REDACTED] then saw officers carrying [REDACTED]. Later, [REDACTED] observed bruises on [REDACTED] arms and legs and brought [REDACTED] to Rush Hospital.

[REDACTED] was arrested under RD # [REDACTED].<sup>10</sup> Department reports describe [REDACTED] as “irate” and “yelling and screaming her friend was arrested and she wanted her released.”<sup>11</sup> Officers told [REDACTED] she would have to leave the station if she did not calm down, and they ordered her to leave when she continued yelling. [REDACTED] initially complied, but she returned to the station a short time later and resumed yelling at the officers to release her friend. After [REDACTED] refused to leave, officers informed her she was under arrest and ordered her to put her hands behind her back. [REDACTED] refused, and officers conducted an emergency takedown and handcuffing. They then carried [REDACTED] to central detention as she refused to get on her feet. Her cell phone, which contained a recording of the incident, was held for investigation. Department reports identify Officer Jeffery Smith (“Officer Smith”) and Officer Steven Johnson (“Officer Johnson”) as the arresting officers, and Officer Queen Graham (“Officer Graham”), Sergeant Elliott Musial (“Sergeant Musial”), and Sergeant Joseph Keeter (“Sergeant Keeter”) as the assisting officers. [REDACTED] was charged with three misdemeanors: criminal trespass, obstructing an emergency management worker, and resisting/obstructing a peace officer. [REDACTED] was arrested separate from [REDACTED] and charged with driving under the influence of alcohol, transporting alcohol, and traffic infractions.<sup>12</sup>

COPA interviewed **Officer Queen Graham** (“Officer Graham”) on November 2, 2018.<sup>13</sup> Officer Graham stated on the date and time of the incident, she was working the front desk at the 1<sup>st</sup> District with Sergeant Musial and Officer Smith. After [REDACTED] was arrested, Officer Graham advised [REDACTED] they did not have information to provide yet regarding the arrest, and [REDACTED] should come back later. [REDACTED] was upset, cursing at CPD members, and appeared to be intoxicated. She and a male, now identified as [REDACTED] repeatedly left and came back to the station. Officer Graham called them a taxi and [REDACTED] got into the taxi, but [REDACTED] walked back inside the station. At that point, Officer Smith arrested [REDACTED] for refusing to leave the station. Officer Graham believed [REDACTED] was too intoxicated to understand what she was being told or why she needed to leave. Officers Graham, Smith, and Johnson, as well as Sergeant Keeter, became involved and assisted in handcuffing [REDACTED] ended up on the ground, though Officer Graham was not sure how or why. [REDACTED] refused to cooperate and several officers, including Officer Graham, carried [REDACTED] to lockup because she would not walk on her own.

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<sup>9</sup> Att. 9

<sup>10</sup> Atts. 10 – 13, 15, 24 – 25

<sup>11</sup> Att. 11

<sup>12</sup> Att. 21

<sup>13</sup> Att. 47

COPA obtained the **1<sup>st</sup> District video** capturing portions of the incident.<sup>14</sup> At roughly 1:03 A.M., the video shows two CPD supervisors walk through lock-up, followed by five officers carrying [REDACTED].<sup>15</sup> [REDACTED] is seated nearby and appears to be watching. The officers bring [REDACTED] into a room and are no longer visible. When COPA played the video for Officer Graham, she identified herself, Lieutenant Steven Konow (“Lieutenant Konow”), Sergeant Musial, Sergeant Keeter, Officer Johnson, and Officer Smith as the members captured in the video.<sup>16</sup> Officer Graham was unable to identify the white male officer with salt-and-pepper hair who was carrying [REDACTED] feet.

[REDACTED] allowed COPA to take **evidence photos** of her injuries at the time of her interview.<sup>17</sup> The photos capture minor scrapes and bruising on [REDACTED] arms and ankles. COPA also obtained [REDACTED] **medical records** from Rush University Medical Center.<sup>18</sup> Doctors diagnosed [REDACTED] with pain in her right wrist, left wrist, and left foot, and prescribed ibuprofen. [REDACTED] told hospital staff the police “beat me real bad.”<sup>19</sup> Staff noted bruising and redness on [REDACTED] wrists and left ankle, and tenderness on her left ankle and foot.

### III. ANALYSIS AND CONCLUSION

COPA finds there is insufficient evidence to prove or disprove Allegations #1-3 against the accused Department members. Although the 1<sup>st</sup> District video shows the members carrying [REDACTED] through lock-up, no known video evidence captures the beginning of the incident, including [REDACTED] actions inside the station and the events leading to her takedown and arrest. As a result, COPA’s analysis hinges largely on [REDACTED] credibility, and the available evidence suggests she did not provide an entirely reliable account of the incident. [REDACTED] omitted key details about her own behavior, specifically that she was apparently intoxicated. According to the case reports, officers encountered [REDACTED] and [REDACTED] at approximately 1:00 A.M., discovered alcohol in [REDACTED] vehicle, and arrested [REDACTED] for driving under the influence of alcohol. Officer Graham told COPA that [REDACTED] was also belligerently drunk, cursing at officers, and unable to comprehend the officers’ verbal commands to leave the station – all factors that indicate [REDACTED] minimized her account of the incident.

Similarly, COPA notes that parts of [REDACTED] narrative seem illogical. For example, if [REDACTED] was in the middle of exiting the station and officers were literally pushing her out the door, why would they arrest her instead of letting her leave? By [REDACTED] own admission, the officers wanted her to leave the station. Conflicting evidence indicates [REDACTED] did not comply and may have refused to leave, thus impeding the functions of the police station. If the case reports and Officer Graham’s statement are accurate, the officers had probable cause to arrest [REDACTED] for trespassing, as well as justification to conduct an emergency takedown. However, if [REDACTED] statement is accurate, the officers used excessive force and arrested [REDACTED] without justification.

<sup>14</sup> Att. 17. The 1<sup>st</sup> District did not have cameras in the lobby (Att. 38), and there is no body worn camera (“BWC”) footage from this incident (Att. 40). Additionally, [REDACTED] failed to appear at a scheduled meeting at COPA to provide her cell video, and she has been unresponsive since August 23, 2018 (Att. 39).

<sup>15</sup> Att. 17: Camera 17 & Camera 2, at approximately 1:02:59.796 AM – 1:03:15.745 AM.

<sup>16</sup> Att. 46

<sup>17</sup> Att. 19

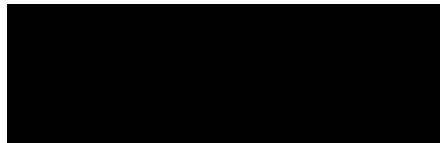
<sup>18</sup> Att. 20

<sup>19</sup> Att. 20, pg. 11

Without additional evidence, COPA is unable to determine what actually happened during the incident, and whether any misconduct occurred. As a result, **Allegations #1-3 are not sustained** against all seven members.

The fourth allegation arises from the members' failure to complete TRRs documenting the force they used on [REDACTED]. Under the version of General Order G03-02-02 in effect on the date of the incident, members were not required to complete TRRs if the only force they used was in conjunction with handcuffing or escort/control holds, and there was no obvious or reported injury.<sup>20</sup> However, the policy required TRRs for all takedowns, uses of force against active resistors and assailants, and incidents in which a subject sustained or alleged injury as a result of a member's force.<sup>21</sup> In this case, COPA lacks sufficient evidence to determine what specific force each member used on [REDACTED] and whether that force required a TRR. Additionally, although [REDACTED] told COPA she was injured, COPA finds she did not provide a credible account of the incident. As previously stated, the available evidence indicates she was not totally candid in her statement and likely intoxicated during her arrest. Further, her medical records indicate that any possible injuries were minimal-to-non-existent. For all these reasons, COPA finds there is insufficient evidence to determine whether the members were required to complete TRRs, and **Allegation #4 is not sustained.**

Approved:



9/22/2021

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Matthew Haynam  
*Deputy Chief Administrator – Chief Investigator*

Date

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<sup>20</sup> See Att. 33, General Order G03-02-02(III)(B), Incidents Requiring the Completion of a Tactical Response Report (effective October 16, 2017 – February 28, 2020).

<sup>21</sup> See *id.* at (III)(1)(a)-(b), (III)(2)(d).

**Appendix A**

## Assigned Investigative Staff

<b>Squad#:</b>	Six
<b>Investigator:</b>	Kelsey Fitzpatrick, #61
<b>Supervising Investigator:</b>	Steffany Hreno
<b>Deputy Chief Administrator:</b>	Matthew Haynam