

SUMMARY REPORT OF INVESTIGATION

I. EXECUTIVE SUMMARY

Date of Incident:	August 15, 2019
Time of Incident:	9:50 pm
Location of Incident:	3420 W. 63 rd Street ¹ , Chicago, Illinois.
Date of COPA Notification:	August 15, 2019
Time of COPA Notification:	10:45 pm.

On August 15, 2019, Officers John Dalcason and Mark Rosciani observed a male (now known as ██████████) drinking on a public way. The officers ran his name to issue Mr. ██████████ a citation when officers learned that Mr. ██████████ had an active warrant and was placed into custody. During transport, Mr. ██████████ became verbally combative and moved his handcuffs from his rear to the front of his body after being told not to do so by the officers. Upon arrival at the 008th District Station, Mr. ██████████ was taken to the restroom, where he pushed Officer Dalcason, and an emergency takedown was performed.

II. INVOLVED PARTIES

Involved Officer #1: John Dalcason	Officer John Dalcason, Star #5392, Employee ██████████ Appointment Date April 28, 2003, Unit 005 ² , Male, White, Birth Date, ██████████ 1980
Involved Individual #1:	██████████ DOB ██████████ 1982, Male, Black

III. ALLEGATIONS

Officer	Allegation	Finding/ Recommendations
Officer John Dalcason	1. On August 15, 2019, at approximately 9:50 pm, Officer Dalcason committed misconduct by punching ██████████ multiple times on the head without justification, and	Not Sustained

¹ 008th District Police Station Processing Room

² During the time of the incident Officer Dalcason was assigned to Unit 211, The Central Saturation Team

<p>2. On August 15, 2019, at approximately 9:50 pm, Officer Dalcason committed misconduct by slamming ██████████ to the ground without justification.</p>	Not Sustained
<p>3. On August 15, 2019, at approximately 9:50 pm, Officer Dalcason committed misconduct by failing to complete a Tactical Response Report in violation of G03-02-02.</p>	Unfounded

IV. APPLICABLE RULES AND LAWS

Rules

1. Rule 8: Disrespect to or maltreatment of any person, while on or off duty

General Orders

General Order G03-02, De-Escalation, Response to Resistance, and Use of Force (effective October 16, 2017, to February 29, 2020)

V. INVESTIGATION³

a. Interviews

In a **statement to COPA** on October 18, 2021, **Accused Officer John Dalcason**⁴ stated that he was on duty working crime suppression in the 008th District, in uniform, with his partner Mark Rosciani. Officer Dalcason was not equipped with a body-worn camera because the Saturation Teams were not assigned body-worn cameras during that time. Officer Dalcason said he observed ██████████ drinking on the public way on Western Avenue. The officers approached to issue an ANOV.⁵

While running a name check and before issuing ██████████ an ANOV, the officers learned that Mr. ██████████ had an active warrant, so he was handcuffed, placed into custody, and transported to the 008th District Police Station. During transport, ██████████ was verbally combative and problematic. ██████████ twice flipped his handcuffs from the rear to the front of his body. The officers told ██████████ not to do that again. The second time he flipped his handcuffs, the officer pulled over

³ COPA conducted a thorough and complete investigation. The following is a summary of the material evidence gathered and relied upon in our analysis.

⁴ Attachment 36 – PO Dalcason Recorded Interview

⁵ Administrative Notice of Violation

to the side of the road and decided to leave them in the front because he could be a potential flight risk.

Officer Dalcason stated that he recalled [REDACTED] complaining about having to use the bathroom, so once they arrived at the 008th District Station, [REDACTED] was taken to the processing room and then to the restroom. While inside the restroom, [REDACTED] righthand was uncuffed, and during that time, [REDACTED] lowered his shoulder and ran into Officer Dalcason. Officer Dalcason grabbed and or pushed [REDACTED] from behind and leaned forward to regain control. Officer Dalcason described [REDACTED] as small in stature, five-eight, and approximately 140 pounds.

Officer Dalcason stated he assumed other officers overheard the commotion because he observed his partner and two other officers approaching the bathroom when he exited the restroom. [REDACTED] was not injured and escorted out of the restroom and into a locked single-holding cell located approximately fifteen feet away from the restroom and only used when a person is combative. [REDACTED] continued to be verbally combative and began punching himself in the face with his hand and making threats, "I'm going to tell them you beat me."⁶ Officer Dalcason contacted his sergeant, who assisted with trying to calm [REDACTED] down. [REDACTED] was photographed; moments later, he calmed down and slept. Officer Dalcason was instructed to complete a Tactical Response Report (TRR) and other paperwork.

In a **statement to COPA** on May 16, 2022, **Witness Officer Mark Rosciani**⁷ stated essentially the same information as Officer Dalcason. Officer Rosciani was on duty, in uniform, with his partner John Dalcason. Officer Rosciani stated he was assigned to the Central Saturation Unit. Officer Rosciani was not equipped with a body-worn camera because the Saturation Teams were not assigned body-worn cameras during that time. Officer Rosciani further said that [REDACTED] was verbally combative in the police vehicle and at the 008th District Police Station.

Officer Rosciani stated that he was completing paperwork when [REDACTED] said he needed to use the restroom. Officer Rosciani said he did not observe Officer Dalcason when he took [REDACTED] inside the restroom because he was going back and forth printing out reports. Officer Dalcason and [REDACTED] exited the restroom, and [REDACTED] was placed inside a holding cell. After [REDACTED] was escorted out of the restroom, Officer Rosciani said [REDACTED] did not say anything about what allegedly took place inside the restroom but was still verbally combative.

Officer Rosciani did not have any personal recollection of what occurred, so his only knowledge of what transpired is what is written on the Department reports. Officer Rosciani stated that he did not observe any injuries to [REDACTED] and Sergeant Goosherst was notified.

b. Documentary Evidence

⁶ Attachment 38 – Transcribed Interview Statement of Officer Dalcason- Page 18, Lines 6-7

⁷ Attachment 39 – Recorded Interview Statement of Officer Rosciani; Attachment 40 – Transcribed Interview Statement of Officer Rosciani

The **Initiation Report**⁸ by Sergeant Matthew Brittain #1504 said that [REDACTED] was arrested on 79th and Western Avenue after he told the officers that he had a warrant. [REDACTED] stated that he was handcuffed in the back, and during transport, he moved his handcuffs to the front because he was uncomfortable. [REDACTED] stated that he had manipulated the position of his handcuffs during transport to the police station. [REDACTED] said once they arrived at the 008th District Police Station, [REDACTED] who was still handcuffed, was taken into the men's restroom by Officer Dalcason, who punched him multiple times on his head and slammed him to the ground and then picked up and brought into the processing room. Sergeant Goosherst #1220 requested an Evidence Technician to respond to the 008th District Police Station to photograph [REDACTED] alleged injuries. Sergeant Brittain attempted to speak with [REDACTED] and advise him that a log number was acquired, but [REDACTED] was sound asleep. Sergeant Brittain noted that [REDACTED] smelled of alcohol.

The **Arrest Report** of [REDACTED] [REDACTED] and **The Original Case Incident Report**¹⁰ indicates that he was arrested for issuance of a warrant, battery, and replica firearms and or pellet guns. It further stated that [REDACTED] was observed drinking from what appeared to be a bottle of alcohol. The officers approached and confirmed that [REDACTED] was drinking a mixture of vodka and cranberry juice while on the public way. After running [REDACTED] information, it was learned that [REDACTED] had an active warrant, so he was placed into custody and transported to the 008th District Police Station for processing.

During transport, [REDACTED] was verbally combative with the arresting officers. [REDACTED] removed his handcuffs on two occasions from his rear to the front of his body after being instructed by the arresting officers not to do so. While walking [REDACTED] into the 008th District Police Station, [REDACTED] requested to use the restroom, at which time [REDACTED] continued to be verbally combative and pushed Officer Dalcason. Officer Dalcason performed an emergency takedown to gain control of [REDACTED]

[REDACTED] was escorted to a holding cell in the processing room while [REDACTED] continued to be verbally combative. A custodial search of [REDACTED] property revealed one replica gun. The item was inventoried. While in custody, [REDACTED] was observed striking himself about the head, and Sergeant Goosherst requested an Evidence Technician. Medical aid was offered, but [REDACTED] refused medical attention.

Evidence Technician Photographs¹¹ depict [REDACTED] handcuffed to the wall and sitting on a bench with a knot on the left side of his forehead and an abrasion to his left wrist.

⁸ Attachment 18 – CPD Initiation Report

⁹ Attachment 5 – [REDACTED] Arrest Report

¹⁰ Attachment 6 – [REDACTED] Case Report

¹¹ Atts. 23-35

The **Tactical Response Report** for **Officer John Dalcason (TRR)**¹² indicates he was on duty, in uniform, and with a partner at the time of the incident. [REDACTED] did not follow verbal directions, physical attack without a weapon, and pushed, shoved, and pulled. Officer Dalcason responded with member presence, verbal direction, control techniques, movement to avoid an attack, handcuffs/physical restraints, and takedown.

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 occurred and violated Department policy.¹³ If the evidence gathered in an investigation establishes that it is more likely that the misconduct occurred, 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. 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."¹⁴

VII. ANALYSIS AND CONCLUSION

Under the Department's use of force policy, officers may only use force that is "objectively reasonable, necessary, and proportional, under the totality of the circumstances, in order to ensure the safety of a member or third person, stop an attack, make an arrest, bring a person or situation safely under control, or prevent escape."¹⁵ Officers who encounter active resisters may respond

¹² Attachment 20 - .PO Dalcason's TRR 20

¹³ 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).

¹⁴ *People v. Coan*, 2016 IL App (2d) 151036, ¶ 28 (2016).

¹⁵ General Order G03-02 (III)(B).

using holding techniques, control instruments, takedowns, stuns, tasers, and OC spray.¹⁶ However, the use of chokeholds, carotid artery restraints, and other maneuvers for applying direct pressure on a windpipe or airway is prohibited unless necessary to protect against an imminent threat to life.¹⁷

Officer Dalcason said that [REDACTED] was verbally combative throughout the entire incident. Officers Dalcason and Rosciani both said that [REDACTED] was stopped because he was drinking on a public way. Officer Dalcason stated that he was pushed inside the restroom by [REDACTED] and performed a takedown. [REDACTED] stated he was punched in the head and slammed to the ground by Officer Dalcason. [REDACTED] admitted that he and Officer Dalcason were the only two people inside the restroom during the incident, and there were no witnesses.

Officer Dalcason said that [REDACTED] continued to be verbally combative and began punching himself in the face with his hand and making threats, "I'm going to tell them you beat me," when [REDACTED] was inside a holding cell. The Evidence Technicians' Photographs depict a knot on the left side of [REDACTED] forehead. Still, there is no evidence to prove or disprove that Officer Dalcason was responsible for [REDACTED] injury.

No physical or video evidence corroborates or refutes [REDACTED] version of the events or Officer Dalcason's. Officer Dalcason documented his contact with [REDACTED] in his Tactical Response Report (TRR) after performing a takedown of [REDACTED]. Sergeant Matthew Brittain noted that [REDACTED] smelled of alcohol. As a result, COPA determines there is insufficient evidence to prove or disprove the allegations by a preponderance of the evidence. COPA further determined the evidence obtained lacks clear and convincing evidence that Officer Dalcason's actions violated Department policy.

The allegation that on August 15, 2019, at approximately 9:50 pm, Officer Dalcason committed misconduct by punching [REDACTED] multiple times on the head without justification is **Not Sustained**.

The allegation that on August 15, 2019, at approximately 9:50 pm, Officer Dalcason committed misconduct by slamming [REDACTED] to the ground without justification is **Not Sustained**.

The allegation that on August 15, 2019, at approximately 9:50 pm, Officer Dalcason committed misconduct by failing to complete a Tactical Response Report in violation of G03-02-02 is **Unfounded**.

¹⁶ General Order G03-02-01 (IV)(B).

¹⁷ General Order G03-02 (IV)(D)(2)-(4).



Angela Hearts-Glass
Deputy Chief Investigator

12-19-2022

Date