

SUMMARY REPORT OF INVESTIGATION

Date/Time/Location of Incident:	January 1, 2021/10:30p.m./7900 S. Jeffery Boulevard, (on the street) Chicago, Illinois
Date/Time of COPA Notification:	June 7, 2021/9:32a.m.
Involved Officer #1:	Kyle Escalona, Star #9171, Employee ID# [REDACTED], Currently on Active Military Leave of Absence
Involved Officer #2:	Matthew Zeiger, Star #18559, Employee ID # [REDACTED], Date of Appointment: October 31, 2016, Rank: Police Officer, Unit of Assignment: 714, Date of Birth: [REDACTED], 1991, Gender: Male, Race: White
Involved Individual #1:	[REDACTED] DOB: Unknown, Female/Black
Involved Individual #2:	[REDACTED] DOB: [REDACTED], 1992, Male/Black
Case Type:	Excessive Force No Weapon Non-Serious Bodily Injury 05A

I. ALLEGATIONS

Officer	Allegation¹	Finding
Officer Kyle Escalona	It is alleged by [REDACTED] who did not witness he incident, on behalf of her son, [REDACTED] that on January 1, 2020, at approximately 10:30pm, at 7900 S. Jeffrey Boulevard (on the street), Chicago, Illinois, the accused, Officer Kyle Escalona, committed misconduct through the following acts or omissions: 1. punched [REDACTED] on the face; 2. cut [REDACTED] from his seat belt; and 3. pulled [REDACTED] from his vehicle.	Unfounded Exonerated Exonerated
Officer Matthew Zeiger	It is alleged by [REDACTED] who did not witness he incident, on behalf of her son, [REDACTED] that on January 1, 2020, at approximately 10:30pm, at 7900 S. Jeffrey Boulevard (on the street), Chicago, Illinois,	

¹ Formal allegations were not served on any of the involved officers.

the accused, Officer Kyle Escalona, committed misconduct through the following acts or omissions:

1. punched [REDACTED] on the face;
2. cut [REDACTED] from his seat belt; and
3. pulled [REDACTED] from his vehicle.

Unfounded
Exonerated
Exonerated

II. SUMMARY OF EVIDENCE

[REDACTED] registered a complaint with the Civilian Office of Police Accountability on June 7, 2021 on behalf of her son, [REDACTED] did not witness the incident. [REDACTED] told [REDACTED] what occurred while he was in custody at Cook County Jail.

COPA obtained a statement from [REDACTED] on August 27, 2021. During the statement, [REDACTED] related to COPA that [REDACTED] told her that Chicago Police Officers pulled him over for a traffic violation. [REDACTED] refused to exit the vehicle and the officers used excessive force against him. The officers punched [REDACTED] about the face, cut his seatbelt, and pulled him from his vehicle. The officers found a gun inside [REDACTED] vehicle – a gun for which [REDACTED] did not have proper documentation. [REDACTED] was taken into custody and was later transported to South Shore Hospital following his request for medical treatment.

COPA obtained and reviewed the related Department reports and body worn camera footage. COPA’s investigation revealed that [REDACTED] was pulled over for traffic violations while driving alone in his vehicle. Prior to coming to a complete stop, the officers observed [REDACTED] bend his body slightly forward in a manner consistent with an attempt to hide a weapon or drugs. The officers approached [REDACTED] vehicle and told him the reason for the traffic stop. [REDACTED] appeared to be nervous and was visibly shaking. The officers asked [REDACTED] if any guns were inside the vehicle. [REDACTED] told the officers that no guns were inside the vehicle and began to move away when the officers asked him to exit the vehicle for officer safety. The officers attempted to physically remove [REDACTED] from the vehicle. [REDACTED] resisted by not releasing his right hand/arm from underneath the backseat, while still strapped in his seatbelt. [REDACTED] called [REDACTED] and told her that the police were maltreating him because he was recording them and that he had done nothing wrong. The officers pried the cell phone away from [REDACTED] left hand, cut [REDACTED] seat belt and pulled [REDACTED] from the vehicle, despite [REDACTED] continued resistance by attempting to reach underneath the backseat with his right hand. A firearm with live rounds was recovered from underneath the driver’s seat of [REDACTED] vehicle. [REDACTED] was taken into custody and transported to the 004th District Station for processing, where it was discovered that he was on parole for a prior weapons conviction. [REDACTED] was charged with being an Armed Habitual Criminal and Traffic Violations. [REDACTED] complained of health issues due to

sickle cell and was transported to South Shore Hospital. [REDACTED] was later transported to Cook County Jail. Court records document that [REDACTED] plead guilty to the gun charge.

III. ANALYSIS AND CONCLUSION

Allegation #1 thru Allegation #3 against Officer Escalona and Officer Zeiger

Officer Escalona and Officer Zeiger witnessed [REDACTED] commit traffic violations and explained the reason for the stop to [REDACTED]. Officer Escalona subsequently requested that [REDACTED] get out of the vehicle, to which [REDACTED] failed to comply.² Body worn camera footage depicts [REDACTED] being verbally aggressive and physically resistant toward the officers. Furthermore, based on BWC footage, there is no evidence to support the allegation that either officer punched [REDACTED] in the face. However, [REDACTED] became an active resister, and even after the officers attempted to persuade him to exit the vehicle, he failed to do so and became physically and verbally aggressive toward the officers, resulting in the officers’ use of force in this case. Thus, the officers’ use of force was in direct response to [REDACTED] non-compliance to verbal commands and the force that he used against the officers. Department members may use force that is objectively reasonable, necessary, and proportional in order to ensure the safety of a member or third person, stop an attack, make an arrest, control a subject, or prevent escape.³ In evaluating whether the amount of force used by the officers was objectively reasonable in light of the totality of the circumstances faced by the officer on the scene, COPA finds that the officers use of force was reasonable. Based on a totality of the circumstances. COPA finds that allegation #1 Unfounded and allegations #2 and #3 against Officer Escalona and Officer Zeiger are Exonerated.

Approved:

[REDACTED]

12/20/2021

Matthew Haynam
Deputy Chief Administrator – Chief Investigator

Date

² During a valid traffic stop, an officer may order the driver and passengers out of the vehicle without violating the Fourth Amendment. *Pennsylvania v. Mimms*, [434 U.S. 106, 112 n. 6, 98 S.Ct. 330, 54 L.Ed.2d 331 \(1977\)](#); ² *Maryland v. Wilson*, [519 U.S. 408, 412, 117 S.Ct. 882, 137 L.Ed.2d 41 \(1997\)](#).

³ (Ill. Const. 1970, art. I, § 6)