

SUMMARY REPORT OF INVESTIGATION ¹

I. EXECUTIVE SUMMARY

Date of Incident:	March 31, 2014
Time of Incident:	Approximately 4:00am
Location of Incident:	205 S Lavergne Ave. Chicago, IL 60644
Date of COPA Notification:	April 1, 2014
Time of COPA Notification:	5:04pm

On March 31, 2014, the Reporting Party Victim, [REDACTED] (“Mr. [REDACTED]”), entered the courtyard of 205 S. Lavergne Avenue. Mr. [REDACTED] was standing in front of the entryway at 205 S. Lavergne Avenue when he was approached by Chicago Police Department (“CPD”) Officers Rory Oliver (“Officer Oliver”) and Kyle Lloyd (“Officer Lloyd”), who had their weapons drawn, responding to a call of a man with a gun. Mr. [REDACTED] was placed on the sidewalk face-down and arrested. While lying handcuffed, face-down on the ground, Officer Chris McGuire (“Officer McGuire”) approached Mr. [REDACTED] and stood in front of his head. Officer McGuire then kicked Mr. [REDACTED]

II. INVOLVED PARTIES

Involved Officer #1:	Officer Rory Oliver, Star # 5020, Employee # [REDACTED], Date of Appointment: July 2, 2012, Police Officer, 15 th District, DOB: [REDACTED], 1985, Male, White
Involved Officer #2:	Officer Kyle Lloyd, Star # 16009, Employee # [REDACTED], Date of Appointment: September 9, 2010, Police Officer, 19 th District, DOB: [REDACTED], 1982, Male, White
Involved Officer #3:	Officer Patrick Martino, Star # 7845, Employee # [REDACTED], Date of Appointment: October 17, 2011, Police Officer, 15 th District, DOB: [REDACTED], 1985, Male, White
Involved Officer #4:	Officer Chris McGuire, Star # 7846, Employee # [REDACTED], Date of Appointment: September 29, 2003, Police Officer, 15 th District, DOB: [REDACTED], 1969, Male, White

¹ 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. Therefore, 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.

Involved Individual #1: [REDACTED]

III. ALLEGATIONS

Officer	Allegation	Finding
Officer Rory Oliver	1) Stated words to the effect of, "Get the fuck on the ground," and "Lay your fucking face/ass on the ground" towards [REDACTED];	Not Sustained
	2) Knead Mr. [REDACTED] in his temple;	Unfounded
	3) Stated words to the effect of, "Fuck you," and made an obscene gesture by displaying his middle finger to [REDACTED];	Not Sustained
	4) Stated words to the effect of "Get the fuck away from my car," towards [REDACTED];	Not Sustained
	5) Failed to provide Mr. [REDACTED] with medical attention after his arrest;	Not Sustained
	6) Falsified the details of Mr. [REDACTED] arrest (RD #HX-[REDACTED]) as documented in the arrest report when he documented that officers "instructed arrestee to remove his hands from his sweatshirt pocket numerous times in which he didn't comply;"	Not Sustained
	7) Falsified the details of Mr. [REDACTED] arrest (RD #HX-[REDACTED]) as documented in the arrest report when he documented that officers "attempted to remove arrestees [sic] hands from his pocket for officer safety, at which time arrestee began resisting officers [sic] efforts to do so by violently pulling his arms away;"	Sustained
	8) Falsified the details of [REDACTED] arrest (RD #HX-[REDACTED]) as documented in the arrest report when he documented that officers "then performed an emergency takedown maneuver in which arrestee continuously resisted officers [sic] efforts by pulling his hands away and stiffening his arms and legs;" and,	Unfounded
	9) Falsified the details of [REDACTED] arrest (RD #HX-[REDACTED]) in his Tactical Response Report when he documented that Mr. [REDACTED] "did not follow verbal	Not Sustained

	direction.”	
Officer Kyle Lloyd	<ol style="list-style-type: none"> 1) Failed to provide Mr. [REDACTED] with medical attention after his arrest; and, 2) Falsified the details of [REDACTED] [REDACTED] arrest (RD #HX-[REDACTED]) in his Tactical Response Report when he documented that Mr. [REDACTED] “did not follow verbal directions.” 	<p>Not Sustained</p> <p>Not Sustained</p>
Officer Patrick Martino	<ol style="list-style-type: none"> 1) Falsified the details of Mr. [REDACTED] arrest as documented in the original case incident report (RD #HX-[REDACTED]) when he documented that “offender refused to show his hands;” and, 2) Falsified the details of Mr. [REDACTED] arrest (RD #HX-[REDACTED]) as documented in the original case incident report when he documented that officers “attempted to remove offender’s hands from his jacket pocket at which time offender stiffened his body weight and began to pull away violently.” 	<p>Not Sustained</p> <p>Not Sustained</p>
Officer Chris McGuire	<ol style="list-style-type: none"> 1) Kicked [REDACTED] [REDACTED] while he was handcuffed and lying on the ground; 2) Failed to complete a Tactical Response Report regarding his physical contact with [REDACTED] [REDACTED] and, 3) Brought discredit upon the Department when he kicked [REDACTED] [REDACTED] after he had been handcuffed and was lying on the ground. 	<p>Sustained</p> <p>Sustained</p> <p>Sustained</p>

IV. APPLICABLE RULES AND LAWS

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.

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- **Rule 09:** Prohibits engaging in any unjustified verbal or physical altercation with any person, while on or off duty.
 - **Rule 10:** Prohibits inattention to duty.
 - **Rule 14:** Prohibits making a false report, written or oral.
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General Orders

- **G06-01-01:** Field Arrest Procedures

V. INVESTIGATION

a. Interviews

Reporting Party: ██████████²

In a statement with IPRA on April 2, 2014, **Reporting Party Victim** ██████████ ██████████ stated he was standing in front of the entryway of 205 S. Lavergne Avenue when a marked squad car arrived, and two uniformed officers approached him with their guns drawn. One of the officers³ approached and stated words to the effect of, “Get the fuck on the ground!” Mr. ██████████ got on his knees and placed his hands behind his head. The same officer then stated, “Lay your fucking face on the ground, lay your fucking ass on the ground!” Mr. ██████████ admitted that he would not place his face on the ground and that the officers began using what he described as “tactical force” against him. Mr. ██████████ alleged the officer placed a handcuff on his wrist and then kned him in his temple. Mr. ██████████ stated more officers arrived and repeatedly told him to stop resisting. Mr. ██████████ admitted he did not follow the officers’ orders and continued to move his body as they were placing him under arrest. As Mr. ██████████ was moving his body, he was kicked in the face by an officer⁴. Mr. ██████████ stated that while he was on the ground, several officers punched him in his ribs and kned him in his back. Mr. ██████████ was handcuffed and then walked out of the courtyard and placed into the rear seat of a squad car.

As Mr. ██████████ was sitting in the rear of the squad car, his girlfriend, ██████████ (“Ms. ██████████”), approached the officers and asked them what happened. Mr. Rodriguez stated that an unknown officer informed Ms. ██████████ that they were looking for a gun, and the arresting officer⁵ stated “Fuck you,” and displayed his middle finger to her. The arresting officer then stated to Ms. ██████████ “Get the fuck away from my car.” Mr. ██████████ was taken to the District Station, where he requested medical attention. Mr. ██████████ requests were denied by the arresting officer and his partner⁶. Mr. ██████████ independently sought medical treatment after he was released from custody.

² Attachments 9 and 10.

³ Through the investigation it was determined that Officer Rory Oliver, #8930, was the first officer to approach and make contact with Mr. ██████████

⁴ Through the investigation it was determined that Officer Chris McGuire, #7846, kicked Mr. ██████████ in the head or face.

⁵ It was determined through the investigation that the arresting officer was Officer Rory Oliver, #8930.

⁶ It was determined through the investigation that this was Officer Kyle Lloyd, #16009.

Witness: [REDACTED] [REDACTED]⁷

Attempts to interview [REDACTED] [REDACTED] were met with negative results. On April 3, 2014, the R/I contacted Ms. [REDACTED] via telephone in an attempt to schedule a statement. Ms. [REDACTED] stated she was not able to provide a statement at this time and asked that she be called the following week. On April 9, 2014, the R/I contacted Ms. [REDACTED] via telephone, at which time she related she did not want to provide a statement to IPRA. Ms. [REDACTED] did not make any allegations of misconduct against any Chicago Police Officer.

Witness Officer: Patrick Scalzitti⁸

In his initial statement to IPRA on February 13, 2015, **Officer Patrick Scalzitti** (“Officer Scalzitti”), stated he and his partner, Officer Chris Bratek (“Officer Bratek”), responded to a call of a person with a gun at 205 S. Lavergne Avenue. Upon arrival, Officer Scalzitti observed Mr. [REDACTED] lying on the ground in handcuffs; Officer Scalzitti noted that Mr. [REDACTED] was agitated. Officer Scalzitti searched the area for a possible weapon. Officer Scalzitti noticed a laceration to Mr. [REDACTED] upper lip, which he assumed occurred when the officers performed an emergency takedown. Officer Scalzitti was “not aware” of Officer McGuire kicking Mr. [REDACTED] while he was handcuffed and lying on the ground. Officer Scalzitti did not observe Officer Oliver physically or verbally abuse Mr. [REDACTED] because Mr. [REDACTED] was already on the ground in handcuffs when he arrived on the scene. Officer Scalzitti did not observe Officer Oliver verbally abuse or make an obscene gesture with his middle finger to [REDACTED] [REDACTED]. Officer Scalzitti had no knowledge of Officer Oliver and/or Officer Lloyd failing to provide Mr. [REDACTED] with medical attention.

In his supplemental statement to IPRA on October 7, 2015, **Officer Patrick Scalzitti** viewed the security video from Mercy Housing. After viewing the video, Officer Scalzitti clarified his previous statement that he was not present when the other officers placed Mr. [REDACTED] into custody, now stating that he and his partner, Officer Bratek, assisted the arresting officers in placing Mr. [REDACTED] into custody. Officer Scalzitti also stated that the video was “grainy” though he was able to observe Officer McGuire standing in front of Mr. [REDACTED] while Mr. [REDACTED] was lying on the ground. Officer Scalzitti stated that he could not see a “definitive kicking motion”⁹ and did not observe Officer McGuire kick Mr. [REDACTED] in the head.

Witness Officer: Christopher Bratek¹⁰

In his initial statement to IPRA on February 17, 2015, **Officer Christopher Bratek** stated he was not present when Officer Chris McGuire kicked Mr. [REDACTED] while he was handcuffed and lying on the ground. Officer Bratek stated he was not present when Officer Oliver stated, “Get the fuck on the ground” and “Lay your fucking face/ass on the ground,” to Mr. [REDACTED] nor did he observe Officer Oliver knee Mr. [REDACTED] in his temple. Officer Bratek had no knowledge of Officer Oliver stating, “Fuck you,” and making an obscene gesture by displaying his middle finger to [REDACTED] [REDACTED]. Officer Bratek had no knowledge of Officer Oliver stating, “Get the fuck away from my car” towards [REDACTED] [REDACTED]. Officer Bratek had no knowledge of Officer Oliver or Officer

⁷ Attachment 26.

⁸ Attachments 54, 55, 56, and 57.

⁹ Scalzitti, Attachment 87, Page 17, Line 2

¹⁰ Attachments 56, 57, 88, and 89.

Lloyd failing to provide medical treatment to Mr. [REDACTED] Officer Bratek further stated he was on the scene with his partner, but whatever took place had already taken place before they had arrived on the scene.

In his supplemental statement to IPRA on 30 October 2015, **Witness Officer Christopher Bratek** viewed the security video from Mercy Housing. After viewing the video, Officer Bratek clarified his previous statement, now stating that he and his partner, Officer Scalzitti, were on the scene and assisted the arresting officer in placing Mr. [REDACTED] into custody. Officer Bratek viewed the video and observed Officer McGuire standing in front of Mr. [REDACTED] Officer Bratek observed Officer McGuire move his leg, but could not “tell what he’s doing with his leg.”¹¹ Officer Bratek added that the video “[is] grainy...I can’t get a clear view because the other officers as well are standing right in front of the whole thing.”¹²

Witness Officer: Mark Hoss¹³

In his initial statement to IPRA on June 12, 2014, **Witness Officer Mark Hoss #9126**, stated he was partnered with Officer Chris McGuire #7846, when they responded to the vicinity of 205 S. Lavergne Avenue regarding a call of a man with a gun. Officers Jakubowski, Martino, Wood and Lloyd were already there when he and Officer McGuire arrived on scene. When he arrived on scene, Officer Hoss stated that Mr. [REDACTED] would not follow the officers’ orders to remove his hands from his pockets. Mr. [REDACTED] was placed into custody and Officer Hoss began canvassing that area in search for a weapon. (Atts. #46-47).

In his supplemental statement to IPRA on July 30, 2015, **Witness Officer Mark Hoss** viewed the security video from Mercy Housing. After viewing the video, Officer Hoss stated that the “video speaks for itself.”¹⁴ Upon further questioning about what he saw on the security video, Officer Hoss could not make a determination if Officer McGuire made a kicking motion. Officer Hoss continued by stating that based on the security video, “I’m not sure if it was a step or if it was, you know a slide of the shoe. I can’t make a determination from, from apparent kicking motion.”¹⁵

Accused Officer: Rory Oliver¹⁶

In his initial statement to IPRA on February 27, 2015, **Officer Rory Oliver** stated he and his partner, Officer Lloyd, searched the area around 205 S. Lavergne Avenue for a person with a gun. Officers Oliver and Lloyd observed Mr. [REDACTED] who matched the description of the subject provided in the OEMC dispatch, standing in the rear of a courtyard located at 205 S. Lavergne Avenue. Officer Oliver approached on foot and ordered Mr. [REDACTED] to remove his hands from his pockets. Mr. [REDACTED] responded by saying, “Get the fuck away from me,” and, “What the fuck do you want?” Officer Oliver stated that he continued to order Mr. [REDACTED] to remove his hands from his pockets, and that Mr. [REDACTED] refused to comply. Officer Oliver stated that Mr. [REDACTED] “went from passive to an active resistor.”¹⁷ At this time, Officer Oliver “performed

¹¹ Bratek, Attachment 89, Page 17, Lines 13-14

¹² Bratek, Attachment 89, Page 19, Lines 4-7

¹³ Attachments 46, 47, 84, and 85.

¹⁴ Hoss, Attachment 85, Page 12, Line 17

¹⁵ Hoss, Attachment 85, Page 16, Lines 21-24

¹⁶ Attachments 77, 78, 107, and 108.

¹⁷ Oliver, Attachment 78, Page 10, Line 30

emergency takedown.”¹⁸ Officer Oliver performed this takedown by “gaining control of a limb, possibly a arm and taking the subject to the ground.”¹⁹

Officer Oliver stated that he then secured Mr. [REDACTED] by placing his knees on top of his body. Officer Oliver did not recall stating, “Get the fuck on the ground,” or “Lay your fucking face /ass on the ground.” Officer Oliver did not recall the officers who assisted him in placing Mr. [REDACTED] into custody, but he was able to recall that other officers were on the scene to assist in searching the area for a possible weapon. Officer Oliver stated that after Mr. [REDACTED] was placed into custody he stated, “I’ll fuck you all up. I’ll kill you.”

Officer Oliver stated that he and Officer Lloyd transported Mr. [REDACTED] to the district station where they conducted an interview and a custodial search before walking him to the lockup area. Officer Oliver was questioned about how Mr. [REDACTED] sustained the laceration to his face and upper lip, and how he was diagnosed with a contusion to his head and ribs. Officer Oliver stated that he could not explain how any of these injuries were sustained. Officer Oliver stated that he and Officer Lloyd offered to arrange for medical attention to Mr. [REDACTED] but Mr. [REDACTED] refused. Officer Oliver did not recall Officer McGuire being on scene or having any physical contact with, or kicking, Mr. [REDACTED] while he was handcuffed and lying on the ground. Officer Oliver did not remember having any contact with [REDACTED] [REDACTED] on the scene. Officer Oliver denied committing any of the misconduct alleged against him by [REDACTED] [REDACTED]

In his supplemental statement to IPRA on October 13, 2016, **Accused Officer Rory Oliver #8930**, related that he had not previously viewed any video related to this incident. Officer Oliver generated the Arrest Report (Attachment #12) and was the Attesting Officer on that report. When asked, Officer Oliver agreed that it was his responsibility to ensure that the information in the Arrest Report was correct and accurate. Officer Oliver was then shown the Case Incident Report (Attachment #13). Officer Oliver related that Officer Martino generated the Case Incident Report. Officer Oliver was asked if he authored any of the information to the Case Incident Report and he related that he did not recall “specifically if I put anything into this report. However, I do know it’s not uncommon for multiple officers to work on any one given report as a collective effort.”²⁰ Officer Oliver was not certain if multiple officers assisted in drafting the case incident report.

Officer Oliver viewed security videos from Mercy Housing. After viewing the videos, Officer Oliver stated, “from how I recall that incident occurring that night, is consistent with what I said in the [previous] statement. However, I do realize that the video depicts something different.”²¹ Officer Oliver remembered that he ordered Mr. [REDACTED] to remove his hands from his pockets the entire time while he was approaching him in the courtyard but Officer Oliver admitted that “the view from the video shows that his hands were in the air. But my memory from that incident that night was that I could not see his hands.”²²

After viewing the Arrest Report (Attachment #12), Officer Oliver related that he remembered that Mr. [REDACTED] did not comply with his commands to show his hands and stop resisting. Officer Oliver added that “during the attempt to detain the individual in the courtyard there were multiple

¹⁸ Oliver, Attachment 78, Page 11, Lines 4-5

¹⁹ Oliver, Attachment 78, Page 11, Lines 15-17

²⁰ Oliver, Attachment 108, Page 7, Lines 22-26

²¹ Oliver, Attachment 108, Page 13, Lines 5-8

²² Oliver, Attachment 108, Page 14, Lines 13-16

officers assisting me because I was not able to handcuff ‘em on my own because he was resisting my efforts by tensing his arms and making jerking motions with his hands. That’s why there were six officers on top of him, ‘cause one couldn’t do it.”²³

Officer Oliver stated that he drafted the narrative in the Arrest Report in accordance with how he recalled the incident taking place. Officer Oliver added that “everything that [he] documented or provided up to this point was provided with the best intentions and with [his] belief of the incidents exactly how they transpired that night.”²⁴ Officer Oliver stated that he did not intentionally include any information that did not occur on the date of incident.

Officer Oliver denied all the allegations against him. Officer Oliver stated that his “memory of what occurred that night is different than the video. However, there was no intentional act of falsifying anything on these reports.”²⁵

Accused Officer: Kyle Lloyd ²⁶

In his initial statement to IPRA on February 19, 2015, **Officer Kyle Lloyd** stated that he and his partner, Officer Oliver, were responding to a call of a man with a gun and given very descriptive offender information, namely, that it was a black male with dreadlocks, beige pants, and a black top. They were also given specific location information. They spotted Mr. [REDACTED] in the courtyard at 205 S. Lavergne and he matched the provided description. Officer Lloyd said when they approached Mr. [REDACTED] he refused to follow their directions to show his hands. Officer Lloyd stated that Officer Oliver conducted an emergency takedown, as he grabbed Mr. [REDACTED] arms and took him down to the ground. Officer Lloyd stated that he did not assist in the takedown or handcuffing of Mr. [REDACTED] relating that he stood nearby as the guard officer. Officer Lloyd stated that while Mr. [REDACTED] was on the ground, he continued to pull away and move his body, as he also threatened them repeatedly by stating, “I’m gonna beat your ass.” Officer Lloyd stated that Officers Martino and Jakubowski arrived on the scene and assisted Officer Oliver in placing Mr. [REDACTED] into custody.

Officer Lloyd characterized Mr. [REDACTED] as agitated, frustrated, hostile, and verbally aggressive throughout the entire incident and while they were processing him at the district station. Officer Lloyd could not explain how Mr. [REDACTED] was later diagnosed with a contusion to his head and ribs. Officer Lloyd stated that once they were at the district station, he observed the laceration to Mr. [REDACTED] lip area, but was uncertain how he sustained the injury. He opined that perhaps it was the result of the emergency takedown Officer Oliver conducted. Officer Lloyd stated that he and Officer Oliver asked Mr. [REDACTED] several times if he wanted medical attention. Mr. [REDACTED] refused and never requested medical attention on the scene or at the district station.

Officer Lloyd did not recall Officer McGuire being on the scene. Officer Lloyd stated that he did not see Officer McGuire kick Mr. [REDACTED] while he was handcuffed and lying on the ground. Officer Lloyd did not recall Officer Oliver stating, “Get the fuck on the ground,” and “Lay your fucking face/ass on the ground” towards Mr. [REDACTED] Officer Lloyd did not observe Officer Oliver knee Mr. [REDACTED] in the temple. Officer Lloyd did not recall being approached or

²³ Oliver, Attachment 108, Page 24, Lines 1-8

²⁴ Oliver, Attachment 108, Page 16, Lines 17-20

²⁵ Oliver, Attachment 108, Page 25, Lines 13-16

²⁶ Attachments 69, 70, 102, and 103.

speaking with [REDACTED] [REDACTED] while he was standing by his squad car. Officer Lloyd did not recall Officer Oliver having any contact with Ms. [REDACTED] or stating, "Fuck you," or making an obscene gesture by displaying his middle finger to her.

Officer Lloyd stated that Officer Oliver performed an emergency takedown, during the course of which his knee possibly was on top of Mr. [REDACTED] shoulder, which is a technique that is taught in the police academy. Officer Lloyd denied the allegation that he did not provide Mr. [REDACTED] with medical treatment.

In his supplemental statement to IPRA on October 13, 2016, **Accused Officer Kyle Lloyd** related that he had not previously viewed any video related to his incident. Officer Lloyd viewed the Case Incident Report (Attachment #13) and stated that Officer Martino generated the report, though he could not "remember specifically" who wrote the narrative of the report. Officer Lloyd stated "I would assume it was [Officer Martino], but I don't, I can't say for sure I saw 'em do it. I don't know."²⁷ Officer Lloyd added that it is common practice to have someone log onto the system and have another officer input the information into the narrative, but he did not know if that happened regarding this incident. Officer Lloyd could not remember if he inputted any information into the narrative of the Case Incident Report.

Officer Lloyd viewed security videos from Mercy Housing. After viewing the videos, Officer Lloyd related that he was the guard officer during the incident in question. Officer Lloyd related that he had his weapon at the low ready position inside the courtyard while his partner, Officer Oliver, attempted to place Mr. [REDACTED] in handcuffs. Officer Lloyd remembered that he gave out verbal commands for Mr. [REDACTED] to "show his hands" and "stop resisting." After viewing the video, Officer Lloyd agreed that his recollection of the incident in his first statement to IPRA was different from how it was depicted in the video. Officer Lloyd stated that after viewing the video, he was able to see that Mr. [REDACTED] hands appeared to be visible during the time he had previously indicated in his February 2015 statement, that they were concealed.

Officer Lloyd clarified that based upon his independent recollection, he did not remember seeing Mr. [REDACTED] hands that evening. Officer Lloyd explained, "I don't know if it was my vantage point; I don't know if my partner was in front of me; I just don't remember seeing his hands that night."²⁸

Officer Lloyd clarified the verbal commands that he gave to Mr. [REDACTED] Officer Lloyd recalled that Officer Oliver was attempting to gain control of Mr. [REDACTED] on the ground and that it took several officers to handcuff Mr. [REDACTED]. As the officers were attempting to handcuff Mr. [REDACTED] Officer Lloyd gave out commands of "stop resisting" and "show us your hands." Officer Lloyd remembered that Mr. [REDACTED] was "squirming and kinda jerking around"²⁹ and that he would not comply with verbal commands. Officer Lloyd elaborated from his previous statement that Mr. [REDACTED] became verbally aggressive by stating "I'm gonna whoop your ass. I'm gonna kick your ass. I'll beat all your asses as soon as I get these handcuffs off, I'm gonna whoop your ass."³⁰ Officer Lloyd could not recall if Mr. [REDACTED] stated this before or after he

²⁷ Lloyd, Attachment 103, Page 9, Lines 28-30

²⁸ Lloyd, Attachment 103, Page 21, Lines 15-18

²⁹ Lloyd, Attachment 103, Page 18, Line 17

³⁰ Lloyd, Attachment 103, Page 19, Lines 15-17

was on the ground. Officer Lloyd denied falsifying the details of his Tactical Response Report when he documented that Mr. [REDACTED] did not follow verbal directions. (Atts. #102-103).

Accused Officer: Patrick Martino³¹

In his initial statement to IPRA on June 6, 2014, **Accused Officer Patrick Martino** stated he and his partner, Officer Jakubowski, responded to a man with a gun call, and they were the second police car on the scene. Officer Martino observed Officer Oliver in a physical altercation with the offender in which Officer Oliver was trying to get the offender to the ground. Officer Martino assisted Officer Oliver place the offender in custody by putting the handcuffs on him.

Other officers arrived on the scene and Officer Martino canvassed the area in search of any kind of weapons. Officer Martino was not asked about Mr. [REDACTED] allegations regarding any of the officers' misconduct during this arrest.

In his supplemental statement to IPRA on October 12, 2016, **Accused Officer Patrick Martino** stated that he was one of the assisting officers on the scene of Mr. [REDACTED] arrest. Officer Martino assisted in the processing of the paperwork and stated that it is common practice for the assisting officers to assist the arresting officers in obtaining information and beginning the paperwork. Officer Martino stated that he logged into the computer system and typed in the information on the first page of the Case Incident Report (Attachment #13). Officer Martino explained that it is common practice for the assisting officers to complete some tasks, such as completing the first page of the Case Incident Report, while the arresting officers complete the arrest reports, tactical response reports and inventory sheets. Officer Martino stated that he did not write any of the narrative of the Case Incident Report on page two. Officer Martino stated that even though he was logged in under his PC number, it was either Officer Oliver or Officer Lloyd who wrote the narrative of the Case Incident Report. Officer Martino ended his shift at 0530 hours and could not recall if the narrative had been drafted by that time. Officer Martino did not see Officer Oliver or Officer Lloyd submit the case report or print the case report. Officer Martino did not review the case report before it was submitted, as he was not the arresting officer and would not go to court to testify about this incident.

Officer Martino viewed security videos from Mercy Housing. After viewing the videos, Officer Martino reiterated that Officers Oliver and Lloyd were the first officers on the scene and that when he arrived, Mr. [REDACTED] was already on the ground, being placed into custody.

Officer Martino denied the allegations against him, explaining that he did not author the narrative on page two of the Case Incident Report. Rather, Officer Martino created the Report and one of the arresting officers, Officer Oliver and Officer Lloyd drafted the narrative. Upon further questioning regarding the Case Incident Report and narrative, specifically the language: "Officers attempted to remove offender's hands from his jacket pocket at which time offender stiffened his body weight and began to pull away violently," Officer Martino stated that he did not falsify this information in the Report.

³¹ Attachments 41, 42, 93, and 94.

Accused Officer: Chris McGuire³²

In his statement to IPRA on July 28, 2015, **Accused Officer Chris McGuire** stated that on March 31, 2014, he and Officer Hoss responded to 205 S. Lavergne Avenue as assisting officers regarding a man with a gun call. Officer McGuire stated that he did not recall his actions or how he assisted in the arrest of Mr. [REDACTED]

Security video from Mercy Housing was then shown to Officer McGuire. Officer McGuire viewed the video but stated he could not identify any of the officers depicted therein. The R/I informed Officer McGuire that this investigation has shown that the last marked squad car that arrived on the scene was occupied by him and Officer Hoss.

More security Video from Mercy Housing was then shown to Officer McGuire. After viewing the video, Officer McGuire was asked to describe his actions. Officer McGuire stated, "...it looks like I took a step forward."³³ Officer McGuire did not recall having any physical contact with Mr. [REDACTED] that night, but stated that if he did have contact with Mr. [REDACTED] when Officer McGuire allegedly stepped forward, the contact "could've been his shoulder...it coulda been his head, it coulda been the other shoulder. It coulda been either the right shoulder, head, left shoulder."³⁴ Officer McGuire continued by stating that this contact would have been made with "either my shoe or my shin."³⁵

Officer McGuire did not know how Mr. [REDACTED] sustained the injury to his upper lip or the contusion to his head. Officer McGuire stated he did not kick Mr. [REDACTED] but was walking around him. He stated, "I took a step forward; however, I don't see a kicking motion. I see a step forward. That's what I see."³⁶ Officer McGuire did not recall having any physical contact with Mr. [REDACTED] After viewing the video and when questioned, Officer McGuire denied bringing discredit upon the Department. Officer McGuire also did not recall Officer Oliver or Officer Lloyd committing any of the misconduct alleged against them.

b. Documentary Evidence

The related **Departmental Report**³⁷ (RD# [REDACTED] Event# 1409001522) documents that [REDACTED] was arrested on March 31, 2014 at 0405 hours at the location of 205 S. Lavergne Avenue. Mr. [REDACTED] was charged with two counts of Aggravated Assault to a Police Officer and Resisting Arrest. The report documents Beat 1531R, Officers Rory Oliver, #8930, and Kyle Lloyd, #16009, responded to a call of a man with a gun, who was walking south on Lavergne Avenue from Monroe Avenue, wearing beige pants and a black sweatshirt, and as having dreadlocks and a light complexion. While patrolling the area, the officers located Mr. [REDACTED] who fit the description of the subject, standing in front of 205 S. Lavergne Avenue. According to the report, Officers Oliver and Lloyd approached and instructed Mr. [REDACTED] to remove his hands from his pockets numerous times. The report indicates that Mr. [REDACTED] did not comply with the instructions he was given, at which time the officers attempted to remove Mr. [REDACTED]

³² Attachments 82 and 83.

³³ McGuire, Attachment 83, Page 17, Lines 23-24

³⁴ McGuire, Attachment 83, Page 18, Lines 22-25

³⁵ McGuire, Attachment 83, Page 19, Line 1

³⁶ McGuire, Attachment 83, Page 21, Lines 30-31; Page 22, Lines 1-2

³⁷ Attachment 12.

hands from his pockets, and he began to resist, resulting in the officers conducting an emergency takedown. Mr. ██████ continued to resist and threatened the officers by stating, “I’m gonna fuck you all up,” and, “I will beat all of your asses.” Mr. Rodriguez was placed into custody and transported to the 015th District.

A **Tactical Response Report**³⁸ Completed by Officer Rory Oliver, #8930, documents that Mr. ██████ “did not follow verbal direction,” “stiffened,” “pulled away” and was an “imminent threat of battery.” Officer Oliver responded with “member presence,” “verbal commands,” “escort holds,” “wristlock,” “armbar,” and “take down/emergency handcuffing.”

A **Tactical Response Report**³⁹ completed by Officer Kyle Lloyd, #16009, documents that Mr. ██████ “did not follow verbal direction,” “stiffened,” “pulled away” and was an “imminent threat of battery.” Officer Lloyd responded with “member presence” and “verbal commands.”

Medical Records⁴⁰ obtained from **Loretto Hospital** document that on April 1, 2014 ██████ received medical treatment for pain to his ribs, pain when breathing, and a headache. Mr. ██████ was seen by Dr. Steven Meeks. Mr. ██████ was diagnosed with contusions to his head and ribs.

c. Digital Evidence

Evidence Technician (E.T.) Photographs⁴¹ of Mr. ██████ taken on April 1, 2014, document what appear to be small abrasions to his forehead.

Security Video from **Mercy Housing**⁴² captures the arrest of Mr. ██████ on March 31, 2014. Officer Oliver is seen entering the courtyard with his gun drawn, pointed towards Mr. ██████. Officer Lloyd follows behind Officer Oliver into the courtyard. Mr. ██████ walks towards Officer Oliver with his hands up. Officer Oliver then places his hand on one of Mr. ██████ shoulders, Mr. ██████ goes down on his knees, and he then goes down onto his stomach. Two more officers, now known to be Officers Martino and Jakubowski, enter the courtyard, and assist in searching Mr. ██████. Mr. ██████ stiffens and pulls away from the officers. Officers Oliver, Martino and Jakubowski each place a knee on Mr. ██████ back. Two more officers, now known to be Officers Scalzitti and Bratek enter the courtyard and assist in handcuffing Mr. ██████. Mr. ██████ is handcuffed and lying face-down on the ground. Two more officers, now known to be Officers Hoss and McGuire enter the courtyard. Officer McGuire appears in front of Mr. ██████ with his flashlight pointed down on him. Officer McGuire turns his flashlight off and then kicks Mr. ██████ in the head and/or face while Mr. ██████ is lying handcuffed on the ground. Officer McGuire then turns away from Mr. ██████ and begins searching the courtyard.

The related **Office of Emergency Management and Communication Event Queries**⁴³ document that on March 31, 2014 at 0357 hours, Beat 1531R was dispatched to a person with a gun call near

³⁸ Attachment 14.

³⁹ Attachment 15.

⁴⁰ Attachment 49.

⁴¹ Attachment 52.

⁴² Attachments 24 and 25.

⁴³ Attachment 16.

the location of Lavergne Avenue and Adams Street. OEMC dispatched call specifics pertaining to a black male, with braids, wearing a black jacket with beige pants. At 0405 hours, Beat 1513R related that they had located the offender who matched the description, who was now detained at 205 S. Lavergne Avenue. Beats 1531R and 1524R were on location. At 0411 hours, Beat 1513R informed dispatch they were going in with one.

VI. ANALYSIS

COPA recommends a finding of **Not Sustained** for Allegation #1 against Officer Oliver in that on March 31, 2014, Officer Oliver stated, "Get the fuck on the ground," and, "Lay your fucking face/ass on the ground" towards [REDACTED] 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.

There were no independent witnesses to corroborate Mr. [REDACTED] allegation. Officer Oliver did not recall directing profanities at Mr. [REDACTED] and stated that he was met with profanities and threats from Mr. [REDACTED] while he was being placed into custody. Officer Lloyd did not recall Officer Oliver stating any words to the effect that were alleged. None of the video surveillance from the courtyard where the incident took place contains sound and therefore doesn't support a conclusion with regards to alleged statements made by Officer Oliver.

In evaluating the allegation based on a preponderance of the evidence standard, the available information does not meet the burden of proof required to substantiate or refute the allegation. Accordingly, COPA reach a finding of **Not Sustained**.

COPA recommends a finding of **Unfounded** for Allegation #2 against Officer Oliver, in that on March 31, 2014, Officer Oliver kneeed [REDACTED] in his temple. Pursuant to the Rules and Regulations of the Chicago Police Department, Rule 09 prohibits an officer from engaging in any unjustified verbal or physical altercation with any person, while on or off duty.

The security video from Mercy Housing depicts Officer Oliver's contact with Mr. [REDACTED] in the courtyard. At no time does the video depict Officer Oliver kneeling Mr. [REDACTED] in his temple. Officer Oliver continuously stood over Mr. [REDACTED] in an attempt to place him into custody. At one point Officer Oliver, along with several other officers, each place a knee on Mr. [REDACTED] back in their effort to place him into custody. The evidence obtained refutes the allegation that Mr. [REDACTED] was kneeed in his temple and therefore Allegation #2 is **Unfounded**.

COPA recommends a finding of **Not Sustained** for Allegation #3 against Officer Rory Oliver #8930, in that on March 31, 2014, Officer Oliver stated, "Fuck you," and made an obscene gesture by displaying his middle finger to [REDACTED] 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.

Witness [REDACTED] refused to provide a statement and made no allegations against any officer. The information regarding this allegation came from Mr. [REDACTED] in his initial statement and could not be corroborated by any other source. Officer Oliver denied verbally abusing Ms. [REDACTED] or making an obscene gesture towards her. In evaluating the allegation based on a preponderance

of the evidence standard, the available information does not meet the burden of proof required to substantiate or refute the allegation. Therefore, COAP reached a finding of **Not Sustained**.

COPA reached a finding of **Not Sustained** for Allegation #4 against Officer Oliver, in that on March 31, 2014, Officer Oliver stated, "Get the fuck away from my car," towards ██████████ ██████████ 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.

Witness ██████████ ██████████ refused to provide a statement and didn't make any allegations against any officer. The information concerning this allegation came from Mr. ██████████ in his initial statement and could not be corroborated by any other source. Officer Oliver denied verbally abusing Ms. ██████████ In evaluating the allegation based on a preponderance of the evidence standard, the available information does not meet the burden of proof required to substantiate or refute the allegation. COPA therefore reached a finding of **Not Sustained**.

COPA reached a finding of **Not Sustained** for Allegation #5 against Officer Oliver, in that on March 31, 2014, Officer Oliver failed to provide Mr. ██████████ with medical attention after his arrest. Pursuant to General Order G06-01-01, an officer is required to transport an arrestee to the nearest approved emergency room if an arrestee requires immediate medical care.

According to Officer Oliver, he asked Mr. ██████████ several times if he wanted medical attention, but ██████████ refused. Officer Oliver's account was corroborated by Officer Lloyd, who stated "...we asked 'em if he, if he wanted medical attention and he refused."⁴⁴ Mr. ██████████ injury was not visibly severe and did not overtly appear to warrant medical care. However, because there is insufficient evidence to prove by a preponderance of the evidence that Officer Oliver failed to provide medical assistance after being asked to do so, Allegation #5 is **Not Sustained**.

COPA reached a finding of **Not Sustained** for Allegation #6 against Officer Oliver, in that on March 31, 2014, Officer Oliver falsified the details of Mr. ██████████ arrest (RD #HX-██████████) as documented in the arrest report when he documented that officers "instructed arrestee to remove his hands from his sweatshirt pocket numerous times in which he didn't comply."

Video evidence obtained and made a part of this case depicts that from the time Officer Oliver approached the courtyard with his flashlight directed onto Mr. ██████████ several seconds passed before Mr. ██████████ placed his hands in the air. It is possible that during this time, Officer Oliver was giving verbal commands for Mr. ██████████ to show his hands in which there was a delay before he did so. Officer Oliver could reasonably have interpreted that delay as non-compliance to his verbal commands.

After watching the video, Officer Oliver stated that his memory was different than what the video depicts and that he did not intentionally falsify any information on the arrest report. Officer Oliver also stated that there was a brief portion in the video when Mr. ██████████ back was to him and because it was the middle of the night, his view of Mr. ██████████ hands could have been obstructed. The video does depict an approximate 6 second delay in time before Mr. ██████████ put his hands up, which could account for the way Officer Oliver remembered the incident occurring. Accordingly, Allegation #6 is **Not Sustained**.

⁴⁴ Lloyd, Attachment 70, Page 24, Lines 29-30

COPA recommends a finding of **Sustained** for Allegation #7 against Officer Oliver, in that on March 31, 2014, Officer Oliver falsified the details of Mr. [REDACTED] arrest (RD #HX-[REDACTED]) as documented in the arrest report when he documented that officers “attempted to remove arrestees [sic] hands from his pocket for officer safety, at which time arrestee began resisting officers [sic] efforts to do so by violently pulling his arms away.” Pursuant to the Rules and Regulations of the Chicago Police Department, Rule 10 prohibits an officer from being inattentive to duty.

Video evidence obtained and made a part of this case file depicts that Mr. [REDACTED] had his hands up and never placed them inside his sweatshirt pocket. Further, the video does not show Officer Oliver or Officer Lloyd attempting to remove Mr. [REDACTED] hands from his pocket at any time. After viewing the video, Officer Oliver stated that he drafted the narrative in the arrest report as he remembered the incident taking place and that “everything that [he] documented or provided up to this point was provided with the best intentions and with [his] belief of the incidents exactly how they transpired that night.”⁴⁵

It’s apparent from the video that the incidents did not transpire exactly, or even nearly, as Officer Oliver attested to in the arrest report. Within moments of Officers Oliver and Lloyd entering the courtyard, Mr. [REDACTED] put his hands in the air and knelt to the ground. After which, Mr. [REDACTED] was placed on the ground and surrounded by several other officers who were assisting Officer Oliver. Mr. [REDACTED] was contained and under police control for the entirety of the encounter. However, Officer Oliver’s narrative paints a very different picture of the events. According to his narrative, after the Officers approached and Mr. [REDACTED] would not show his hands, they attempted to remove his hands from his jacket pocket. Based on the video evidence, that’s clearly not what happened. Mr. [REDACTED] did show his hands, they were not in his pocket as he knelt to the ground, and they were not in his pocket while he was on the ground. The Officers were not attempting to remove his hands from his pocket at any time.

Officer Oliver denied intentionally including any information that did not occur on the date of incident, yet the video evidence clearly shows that Mr. [REDACTED] hands were never in his pocket and he did not violently pull his arms away. Officer Oliver wrote the narrative of the arrest report less than two hours after the incident and should have been able to provide an accurate account of what happened. A reasonable officer’s account of this incident should not have been in plain contrast to what the video evidence clearly shows transpired. Based on the video evidence, the totality of the circumstances, and a preponderance of the evidence standard, Allegation #7 is Sustained, in violation of Department rules 2, 3, and 10.

COPA recommends a finding of **Unfounded** for Allegation #8 against Officer Oliver, in that on March 31, 2014, Officer Oliver falsified the details of Mr. [REDACTED] arrest (RD #HX-[REDACTED]) as documented in the arrest report when he documented that officers “then performed an emergency takedown maneuver in which arrestee continuously resisted officers [sic] efforts by pulling his hands away and stiffening his arms and legs.”

Video evidence obtained and made a part of this case file depicts that once Mr. [REDACTED] was on the ground, he pulled his hands away from Officer Oliver as he was attempting to handcuff him. Mr. [REDACTED] then stiffened his arms and legs in an effort to defeat arrest. It took several officers

⁴⁵ Oliver, Attachment 108, Page 16, Lines 17-20

assisting Officer Oliver to place Mr. [REDACTED] into custody. Officer Oliver denied this allegation and that he falsified the arrest report. Based on a preponderance of the evidence, Allegation #8 is Unfounded.

COPA recommends a finding of **Not Sustained** for Allegation #9 against Officer Oliver, in that on March 31, 2014, Officer Oliver falsified the details of Mr. [REDACTED] arrest (RD # [REDACTED]) in his Tactical Response Report when he documented that Mr. [REDACTED] “did not follow verbal direction.”

The video recordings that document the arrest of Mr. [REDACTED] do not have any audio associated with them. Officer Oliver may have been giving verbal direction to Mr. [REDACTED] while he was trying to place handcuffs on him, in which the security video shows there was some level of resistance from Mr. [REDACTED]. Officer Oliver denied this allegation and claimed he did not intentionally falsify any information regarding Mr. [REDACTED] arrest. Based on a preponderance of the evidence, Allegation #9 is Not Sustained.

COPA reached a finding of **Not Sustained** for Allegation #1 against Officer Lloyd, in that on March 31, 2014, Officer Lloyd failed to provide [REDACTED] [REDACTED] with medical attention after his arrest. Pursuant to General Order G06-01-01, an officer is required to transport an arrestee to the nearest approved emergency room if an arrestee requires immediate medical care.

There were no independent witnesses to corroborate Mr. [REDACTED] allegations. Officer Lloyd related he asked Mr. [REDACTED] several times if he wanted medical attention, to which he refused. Officer Lloyd also stated that the only injury he observed to Mr. [REDACTED] was a laceration to his upper lip. Officer Lloyd’s account was corroborated by Officer Oliver. Because there is insufficient evidence to prove by a preponderance of the evidence that Officer Oliver failed to provide medical assistance after being asked to do so, Allegation #1 is Not Sustained.

COPA recommends a finding of **Not Sustained** for Allegation #2 against Officer Lloyd, in that on March 31, 2014, Officer Lloyd falsified the details of [REDACTED] [REDACTED] arrest (RD #HX-[REDACTED]) in his Tactical Response Report when he documented that Mr. [REDACTED] “did not follow verbal direction.” Pursuant to the Rules and Regulations of the Chicago Police Department, Rule 14 prohibits an officer from making a false statement, written or oral.

The security video recordings that document the arrest of Mr. [REDACTED] do not have any audio associated with them. Since there are no audio recordings of the incident, there is no way to determine the verbal directions Officer Lloyd gave to Mr. [REDACTED]. Secondly, the allegation does not mention any specific language Officer Lloyd may have used towards Mr. [REDACTED] or exactly when the verbal direction may have been given. Finally, Officer Lloyd related that he ordered Mr. [REDACTED] to “stop resisting” and “show your hands,” while Mr. [REDACTED] was on the ground. The video shows that Mr. [REDACTED] stiffened his body and pulled away from Officer Oliver and the assisting officers when they attempted to place him under arrest. Based on a preponderance of the evidence, Allegation #2 is Not Sustained.

COPA recommends a finding of **Not Sustained** for Allegation #1 against Officer Martino, in that on March 31, 2014, Officer Martino falsified the details of [REDACTED] [REDACTED] arrest as documented in the original case incident report (RD #HX-[REDACTED]) when he documented that the “offender refused to show his hands.”

Officer Martino admitted that he generated the Case Incident Report but denied writing the narrative. Officer Martino stated that it was either Officer Oliver or Officer Lloyd who wrote the narrative. Officer Martino added that it is a common practice among officers for one officer to log onto the system and complete the preliminary information while the arresting officers type in the narrative of the Case Incident Report. Officer Martino could not specifically recall who wrote the narrative of the report, but knew it was not himself. Officer Martino also stated that he would not be the one to testify in court as to the narrative of the report because he was not the arresting officer and he was not on-scene when Officers Oliver and Lloyd first encountered Mr. [REDACTED]. Officer Martino was in the second car on scene, and when he entered the courtyard Mr. [REDACTED] was being placed into custody on the ground. This is corroborated by the security video. Based on a preponderance of the evidence, Allegation #1 is Not Sustained.

COPA reached a finding of **Not Sustained** for Allegation #2 against Officer Martino, in that on March 31, 2014, Officer Martino falsified the details of [REDACTED] [REDACTED] arrest (RD #HX-[REDACTED]) as documented in the original Case Incident Report when he documented that officers “attempted to remove offender’s hands from his jacket pocket at which time offender stiffened his body weight and began to pull away violently.”

Officer Martino admitted that he generated the case incident report but denied writing the narrative. Officer Martino stated that it was either Officer Oliver or Officer Lloyd who wrote the narrative. Officer Martino added that it is a common practice among officers to log onto the system and complete the preliminary information while the arresting officers type in the narrative of the Case Incident Report. Officer Martino could not specifically recall who wrote the narrative of the report, but stated it was not himself. Officer Martino was not one of the first two officers on-scene and was not the arresting officer. Officer Martino stated it was one of the arresting officers who wrote the narrative, either Officer Oliver or Officer Lloyd. Based on a preponderance of evidence, Allegation #2 is Not Sustained.

COPA reached a finding of **Sustained** for Allegation #1, against Officer Chris McGuire, in that on March 31, 2014, Officer McGuire kicked [REDACTED] [REDACTED] while he was handcuffed and lying on the ground. Pursuant to the Rules and Regulations of the Chicago Police Department, Rule 08 prohibits an officer from disrespecting or maltreatment of any person, while on or off duty.

Security video from the courtyard of 205 S. Laverne documents Officer McGuire’s actions during this incident. The security video depicts Mr. [REDACTED] lying face-down on the ground and being placed into custody by several officers. Officer McGuire, who was standing in front of Mr. [REDACTED] head, kicked Mr. [REDACTED] head or face with his left foot which is visible on two different security camera views of the courtyard, from attachments 24 and 33. Attachment 24, which is security video from the courtyard, shows a closer view of the doorway at the courtyard where Officer McGuire can be seen making a kick with his right foot to Mr. [REDACTED] head or shoulder at time interval 4:00:02 a.m. and then a fuller kick with his left foot to Mr. [REDACTED] head or face at time interval 4:00:07 a.m. Attachment 33, which is security video from the courtyard, is an angle facing the doorway from further away. In this video, Officer McGuire can be seen making the same light kick with his right foot at 4:00:02 a.m. and then a full kick with his left foot to [REDACTED] head or face at 4:00:07 a.m. Officer McGuire then turned around and walked away. Officer McGuire denied kicking Mr. [REDACTED] after viewing the video but admitted to taking a step forward towards his head. As there is a preponderance evidence showing that

Officer McGuire mistreated Mr. [REDACTED] by kicking him while he was on the ground, Allegation #1 is Sustained, in violation of Department rules 2, 3, 8, and 9.

COPA recommends a finding of **Sustained** for Allegation #2 against Officer McGuire, in that on March 31, 2014, Officer McGuire failed to complete a Tactical Response Report regarding his physical contact with [REDACTED] Pursuant to the Rules and Regulations of the Chicago Police Department, Rule 10 prohibits an officer from being inattentive to duty. The security video documents that Officer McGuire made contact with Mr. [REDACTED] by tapping him with his right foot and kicking him in the head or face with his left foot. Officer McGuire failed to document his actions in a Tactical Response Report. There is a preponderance of evidence in two different security videos from the courtyard at 205 S. Lavergne which document Officer's McGuire's actions. Based on the totality of the circumstances and the evidence provided, Allegation #2 is Sustained, in violation of Department rules 2, 3, 6, and 10.

COPA recommends a finding of **Sustained** for Allegation #3 against Officer McGuire, in that on March 31, 2014, Officer McGuire brought discredit upon the Department when he kicked [REDACTED] after he had been handcuffed and was lying on the ground. Pursuant to the Rules and Regulations of the Chicago Police Department, Rule 2 prohibits any action or conduct which impedes the Department's efforts to achieve its policy and goals.

Two different security videos depict Officer McGuire's actions as he kicked Mr. [REDACTED] after Mr. [REDACTED] was placed into custody. Officer McGuire made more than one kick to Mr. [REDACTED] and Mr. [REDACTED] was diagnosed with a contusion to the head, which is an injury consistent with being kicked. Further, Officer McGuire brought discredit upon the Department when he denied that he kicked Mr. [REDACTED] after he viewed the security video, and in his actions on the date in question when he kicked Mr. [REDACTED] who was handcuffed and face-down on the ground. Officer McGuire attempted to explain away his conduct in his statement to IPRA by claiming he could not tell what the video clearly showed and refused to take responsibility for his actions. Based on the totality of the circumstances and a preponderance of the evidence obtained in this case, Allegation #3 is Sustained, in violation of Department rules 2, and 3.

VII. RECOMMENDED DISCIPLINE FOR SUSTAINED ALLEGATIONS

a. Officer Rory Oliver

i. **Complimentary and Disciplinary History:** Officer Oliver's complimentary history included 73 honorable mentions, 6 department commendations, 2 unit meritorious performance awards and other additional awards. No applicable disciplinary history.

ii. Recommended Penalty, by Allegation

1. Allegation No. 7: 30-Day Suspension

b. Officer Chris McGuire

i. Complimentary and Disciplinary History: Officer McGuire’s complimentary history includes 50 honorable mentions, 1 special commendation, 2 complimentary letters, and other additional awards. No applicable disciplinary history.

ii. Recommended Penalty, by Allegation

- 1. Allegation No. 1: 30-Day Suspension**
- 2. Allegation No. 2: 30-Day Suspension**
- 3. Allegation No. 3: 30-Day Suspension**

VIII. CONCLUSION

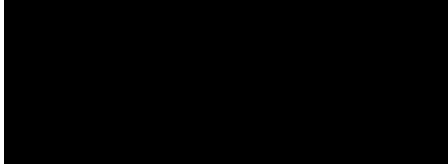
Based on the analysis set forth above, COPA makes the following findings:

Officer	Allegation	Finding
Officer Rory Oliver	1) Stated words to the effect of, “Get the fuck on the ground,” and “Lay your fucking face/ass on the ground” towards ██████████	Not Sustained
	2) Kneaded Mr. ██████████ in his temple;	Unfounded
	3) Stated words to the effect of, “Fuck you,” and made an obscene gesture by displaying his middle finger to ██████████ ██████████	Not Sustained
	4) Stated words to the effect of “Get the fuck away from my car,” towards ██████████ ██████████	Not Sustained
	5) Failed to provide Mr. ██████████ with medical attention after his arrest;	Not Sustained
	6) Falsified the details of Mr. ██████████ arrest (RD #HX-██████████) as documented in the arrest report when he documented that officers “instructed arrestee to remove his hands from his sweatshirt pocket numerous times in which he didn’t comply;”	Not Sustained
	7) Falsified the details of Mr. ██████████ arrest (RD #HX-██████████) as documented in the arrest report when he documented that officers “attempted to remove arrestees [sic] hands from his pocket for officer safety, at which time arrestee began resisting officers [sic] efforts to do so by violently pulling his	Sustained

	<p>arms away;”</p> <p>8) Falsified the details of [REDACTED] [REDACTED] arrest (RD #HX-[REDACTED]) as documented in the arrest report when he documented that officers “then performed an emergency takedown maneuver in which arrestee continuously resisted officers [sic] efforts by pulling his hands away and stiffening his arms and legs;” and,</p> <p>9) Falsified the details of [REDACTED] [REDACTED] arrest (RD #HX-[REDACTED]) in his Tactical Response Report when he documented that Mr. [REDACTED] “did not follow verbal direction.”</p>	<p>Unfounded</p> <p>Not Sustained</p>
<p>Officer Kyle Lloyd</p>	<p>1) Failed to provide Mr. [REDACTED] with medical attention after his arrest; and,</p> <p>2) Falsified the details of [REDACTED] [REDACTED] arrest (RD #HX-[REDACTED]) in his Tactical Response Report when he documented that Mr. [REDACTED] “did not follow verbal directions.”</p>	<p>Not Sustained</p> <p>Not Sustained</p>
<p>Officer Patrick Martino</p>	<p>1) Falsified the details of Mr. [REDACTED] arrest as documented in the original case incident report (RD #HX-[REDACTED]) when he documented that “offender refused to show his hands;” and,</p> <p>2) Falsified the details of Mr. [REDACTED] arrest (RD #HX-[REDACTED]) as documented in the original case incident report when he documented that officers “attempted to remove offender’s hands from his jacket pocket at which time offender stiffened his body weight and began to pull away violently.”</p>	<p>Not Sustained</p> <p>Not Sustained</p>
<p>Officer Chris McGuire</p>	<p>1) Kicked [REDACTED] [REDACTED] while he was handcuffed and lying on the ground;</p> <p>2) Failed to complete a Tactical Response Report regarding his physical contact with [REDACTED] [REDACTED] and,</p> <p>3) Brought discredit upon the Department when he kicked [REDACTED] [REDACTED] after he</p>	<p>Sustained</p> <p>Sustained</p> <p>Sustained</p>

	had been handcuffed and was lying on the ground.	
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Approved:



6/23/2021

Matthew Haynam
Deputy Chief Administrator – Chief Investigator

Date

Appendix A

Assigned Investigative Staff

Squad#:	N/A
Investigator:	Linda Wyant
Supervising Investigator:	N/A
Deputy Chief Administrator:	Haynam