

SUMMARY REPORT OF INVESTIGATION

Date/Time/Location of Incident:	August 30-31, 2013/ 5:00 p.m.-3:30 a.m. / 2452 W. Belmont Ave, Chicago, IL
Date/Time of COPA Notification:	November 6, 2017/ 1:44 p.m.
Involved Officer #1:	Richard Green, Star #21379, Employee ID # [REDACTED] Date of Appointment: May 5, 1997, Detective, Unit 193 DOB: [REDACTED], 1973, Male, White
Involved Officer #2:	Nicholas Spanos, Star #21020, Employee ID # [REDACTED], Date of Appointment: July 10, 1995, Detective, Unit 630 DOB: [REDACTED], 1970, Male, White
Involved Individual #1:	[REDACTED] Date of Birth: [REDACTED], 1986, Male, Black
Case Type:	Excessive Force, Coercion and Denial of Counsel

I. ALLEGATIONS

Officer	Allegation	Finding
Detective Richard Green	1. It is alleged that between on or about August 30, 2013 at 5:00 p.m. and on or about August 31, 2013 at 3:30 a.m., at 2452 W. Belmont Ave, you punched [REDACTED]	Unfounded
	2. It is alleged that between on or about August 30, 2013 at 5:00 p.m. and on or about August 31, 2013 at 3:30 a.m., at 2452 W. Belmont Ave, you kicked [REDACTED]	Unfounded
	3. It is alleged that between on or about August 30, 2013 at 5:00 p.m. and on or about August 31, 2013 at 3:30 a.m., at 2452 W. Belmont Ave, you choked [REDACTED]	Unfounded
	4. It is alleged that between on or about August 30, 2013 at 5:00 p.m. and on or about August 31, 2013 at 3:30 a.m., at 2452 W. Belmont Ave, you directed verbal abuse at [REDACTED]	Unfounded

	<p>5. It is alleged that between on or about August 30, 2013 at 5:00 p.m. and on or about August 31, 2013 at 3:30 a.m., at 2452 W. Belmont Ave, Detective Richard Green denied counsel to ██████████</p>	
<p>Detective Nicholas Spanos</p>	<p>1. It is alleged that between on or about August 30, 2013 at 5:00 p.m. and on or about August 31, 2013 at 3:30 a.m., at 2452 W. Belmont Ave, you directed verbal abuse at ██████████</p> <p>2. It is alleged that between on or about August 30, 2013 at 5:00 p.m. and on or about August 31, 2013 at 3:30 a.m., at 2452 W. Belmont Ave, you denied counsel to ██████████</p>	<p>Unfounded</p> <p>Unfounded</p>

II. SUMMARY OF EVIDENCE¹

On August 28, 2013, ██████████ was involved in an altercation that resulted in the death of ██████████ (██████████ was arrested on August 30, 2013 and was eventually taken to Area North Headquarters, located at 2452 W. Belmont Ave. ██████████ was placed in an interview room and interviewed four times by Detective Richard Green (“Detective Green”) and Detective Nicholas Spanos (“Detective Spanos”) over the course of two days.

In a letter to COPA² received October 2017, ██████████ claimed that to get him to confess to the murder of ██████████ the detectives beat him. ██████████ also stated in the letter that he “did not receive counsel in the investigation room.”³ ██████████ who is incarcerated for the murder of ██████████ provided a statement to COPA, via telephone, on March 14, 2018.⁴ During that statement, ██████████ alleged that on August 30, 2013, in addition to being physically abused, by being punched in the chest and stomach and kicked in the ankle by Detective Green in a station restroom, Detective Green and Detective Spanos directed verbal abuse at him, calling ██████████ a “nigger” and a “bitch” and would not let ██████████ speak to an attorney. On August 31, 2013, ██████████ alleged that Detective Green punched him again and that Detective Green and Detective Spanos continued to verbally abuse him and to deny ██████████ access to an attorney.⁵ ██████████ stated that he did not confess to murdering ██████████ during the interviews.

¹COPA 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, documentary, and forensic 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, pursuant to COPA Guideline Modified Summary Report of Investigation Template and Approvals, effective February 13, 2019.

² Att. 4.

³ Att.4.

⁴ Att. 19 (Audio).

⁵ ██████████ also stated that Detective Green choked him while placing him in the squad car during arrest. Based upon the details ██████████ provided about this claim, COPA determined that what ██████████ was describing was not an incident of choking, but instead Detective Green using one hand to guide ██████████ head into the car.

Detective Spanos⁶ and Detective Green⁷, separately, provided statements to COPA investigators at COPA offices on June 18, 2018.

Detective Spanos stated that he was present at the interviews of ██████ at CPD Area North on August 30, 2013, and August 31, 2013, along with Detective Green. He recalled that ██████ was unhandcuffed and searched at Area North, prior to the interviews, and that ██████ was also read his Miranda rights. Detective Spanos and Detective Green interviewed ██████ on four occasions and only on the last occasion did ██████ ask for an attorney. When ██████ requested an attorney, Detective Spanos immediately stopped speaking to ██████. ██████ did not confess to the murder of ██████ during the interviews.

Detective Spanos recalled that ██████ went to the restroom during the interviews. Detective Spanos explained that it was protocol for at least two detectives to accompany a subject to the restroom and stated that the restroom door is locked from the outside. This protocol was followed with respect to ██████. Detective Spanos escorted ██████ to the bathroom at least once and told ██████ to knock when he was finished inside. Detective Spanos described the bathroom as very small and containing only a toilet. Neither Detective Spanos nor Detective Green, entered the bathroom with ██████. Detective Spanos did not witness Detective Green having any physical contact with ██████ in the restroom.

Detective Spanos added that during the interviews of ██████ Electronic Recording of Interview (“ERI”) equipment was activated, but the equipment malfunctioned, and the interviews were not captured in their entirety. Detective Spanos denied all allegations brought against him by ██████.

Detective Green’s statement to COPA was consistent with the statement provided by Detective Spanos with respect to the description of ██████ arrest, interviews and restroom visit. Detective Green said that ██████ was interviewed four times and provided the approximate length of each interview.⁸ He further said that he did not witness Detective Spanos direct verbal abuse at ██████ or deny ██████ access to counsel. Detective Green also said that the ERI equipment malfunctioned city-wide during the time ██████ was interviewed and that only a portion of the interviews were captured. Detective Green denied all allegations brought against him by ██████.

In addition to taking the above statements, COPA investigators reviewed the transcripts of the trial testimony of ██████ and Detective Green¹⁰ provided in *People v. ██████* No. ██████, (Cook County Circuit Court, January 14, 2016). ██████ testified that ██████ pulled a knife on him and that he stabbed ██████ in self-defense, but said that he did not share this information with Detective Green and Detective Spanos, because he was afraid.¹¹ Specifically, ██████ claimed for the first time, that Detective Green punched him in the chest between interviews

⁶ Att. 32 (Audio).

⁷ Att. 27 (Audio).

⁸ Detective Green said that the first two interviews were 1 hour long, the third was a half hour and the last ended when ██████ evoked his right to counsel.

⁹ Att. 34.

¹⁰ Atts. 27 (Case in Chief) and 35 (Rebuttal).

¹¹ Att. 34, 124:7 – 126:14.

to get ██████ to answer his questions. ██████ did not, however, testify that he was kicked by Detective Green or that Detective Green and Detective Spanos verbally abused him and denied him access to counsel. ██████ also testified that he did not smoke.

In rebuttal testimony, Detective Green said that after being brought into Interview Room E, ██████ was read his Miranda rights and that ██████ agreed to speak with Detective Green and Detective Spanos. Detective Green testified that when asked several times if ██████ knew what happened to ██████ on August 28, 2013, ██████ repeatedly replied that he did not know. Detective Green also testified that he did not punch ██████ in the bathroom, nor did he see anyone else lay hands on ██████¹²

Portions of ██████ interview with Detective Green and Detective Spanos were memorialized in Electronic Recordings of Interrogation (“ERIs”).¹³ The ERIs are not complete due to a malfunction in CPD’s recording system¹⁴ but do capture portions of the interviews in twenty-minute segments. In the available ERI footage, Detective Green and Detective Spanos are shown touching ██████ for the purposes of removing the handcuffs from him and searching him. The detectives also approach ██████ to examine an injury to ██████ head that he claimed occurred when ██████ hit him with a bottle, and to provide ██████ with a cigarette. Neither detective can be heard directing racial slurs at ██████ is also not captured requesting counsel or mentioning any ill treatment or pain.

A Supplementary Report submitted by Detective Green on November 9, 2013¹⁵, provided a summary of the interviews of ██████ including some information not captured by the ERI equipment. However, the information in the summary is consistent with the captured portions of the ERI. The report states that ERI equipment was activated in Interview Room E at 4:42p.m. It also provides the time each of the four interviews began and summarizes what ██████ said. The Supplemental Report records that three separate interviews took place: The first on August 30, 2013 from 17:17 to 18:05; the second on August 30, 2013 from 19:21 to an unknown ending time; and the third on August 31, 2013 from 00:12 to 01:46.¹⁶ With respect to the fourth interview the report states,

“On August 31, 2013 at approximately 0326 hours, Detectives Spanos and Green attempted to conduct a fourth interview with ██████ requested a lawyer and the interview was immediately terminated.”¹⁷

III. ANALYSIS AND CONCLUSION

COPA finds all allegations against Detective Green and Detective Spanos to be **Unfounded**. The clear and convincing evidence here supports that the allegations raised by ██████ are not factual. First, ██████ is not credible. The available ERI shows ██████ providing evasive and/or dishonest answers to many of the questions asked by Detective Green and Detective Spanos.

¹² Att. 35, 209:5-11.

¹³ Att. 14.

¹⁴ The transfer or storage of the video recordings caused a portion of the ERI to be over written. This was a well-known and widespread issue with the storage system at the time.[Based on what?]

¹⁵ Att. 10.

¹⁶ Att. 10, pp 9-10.

¹⁷ Att. 10, p. 10.

Appendix A

Assigned Investigative Staff

Squad#:	12
Investigator:	Vanessa McClinton-Jackson
Supervising Investigator:	Andrew Dalkin
Deputy Chief Investigator:	Angela Hearts-Glass