

## SUMMARY REPORT OF INVESTIGATION

## I. EXECUTIVE SUMMARY

Date of Incident:	May 16, 2018
Time of Incident:	6:02 p.m.
Location of Incident:	██████████, Chicago, IL
Date of COPA Notification:	May 17, 2018
Time of COPA Notification:	9:20 a.m.

On May 17, 2018, ██████████ filed a COPA complaint alleging that at or about 6 p.m. on May 16, 2018, her minor son, ██████████ (age 16), was unjustifiably stopped, forcibly grabbed, shoved and/or pulled by CPD officers before being unjustifiably arrested. She complained ██████████ was detained and arrested outside their apartment building while another young man – a cousin, ██████████ (age 18) -- was being arrested down the block for purportedly unrelated reasons.<sup>1</sup>

Department Body-Worn Camera (“BWC”) footage was recovered, depicting Mr. ██████████ and over a dozen neighbors and/or acquaintances being present at the time and place alleged, at times walking upon the sidewalks, streets, and grassy areas along that block of S. Lawndale Ave. Over a dozen CPD members were also present and conducting a narcotics-related investigation. Mr. ██████████ was then arrested for distributing suspect cannabis and carrying \$80-worth of marijuana. The area of the incident was also within a city-designated “Hot Spot” zone.<sup>2</sup>

No injuries were reported, and most of the relevant on-street actions complained of were captured on BWC video. Forward-facing In-Car Camera (“ICC”) footage depicting the actions alleged was not recovered.<sup>3</sup>

██████████ provided a sworn statement to COPA and reiterated the accused sergeant and arresting officer(s) improperly grabbed and arrested her son ██████████ during the incident, and forcibly shoved and pulled him by the right shoulder area.<sup>4</sup>

<sup>1</sup> Mr. ██████████ was arrested after officers purportedly observed him pass out suspect cannabis to his friends (including ██████████ -- who then used the drug, together, along the public way. (Mr. ██████████ later confessed to the foregoing on BWC after being Mirandized at the District station. (See Att. 19, Gorkowski lockup area BWC footage at 1:45.).

<sup>2</sup> See Attachment 25, Caboodle Hotspot Map.

<sup>3</sup> See Attachment 18. Relevant in-car, rear-seat-facing video footage was recovered, however.

<sup>4</sup> No statement was obtained from ██████████ is now deceased, subsequently shot and killed in an unrelated street attack approx. five months after this arrest incident.

**II. INVOLVED PARTIES**

Involved Officer #1:	Timothy E. Gorzkowski, Star #1126, Employee ID # [REDACTED], Date of Appointment: November 24, 2003, Sergeant, 10th District, DOB: [REDACTED], 1981, M, Caucasian.
Involved Officer #2:	Jason B. Bulkley, Star #9287, Employee ID # [REDACTED], Date of Appointment: June 27, 2016, Police Officer, 10 <sup>th</sup> District, DOB: [REDACTED], 1984. M, Caucasian.
Involved Officer #3:	Elizabeth Cristobal, Star #9287, Employee ID # [REDACTED], Date of Appointment: October 27, 2014, Police Officer, 10 <sup>th</sup> District, DOB: [REDACTED], 1985. F, Hispanic.
Involved Officer #4:	Gilberto Martinez, Star #14951, Employee ID # [REDACTED], Date of Appointment: December 14, 2012. DOB: [REDACTED], 1985, M, Hispanic.
Involved Individual #1:	Complainant, [REDACTED] 32, black, F, [REDACTED] [REDACTED], Chicago, IL 60623.
Involved Individual #2:	Victim, [REDACTED] 16, black, M, [REDACTED] [REDACTED], Chicago, IL 60623.

**I. ALLEGATIONS**

Officer	Allegation	Finding
Sergeant Timothy E. Gorzkowski	1. Detained [REDACTED] a minor, at approximately 6 p.m. on May 16, 2018, at or near [REDACTED], Chicago, without due justification.	Exonerated
	2. Grabbed, pulled, and/or shoved [REDACTED] a minor, at approximately 6 p.m. on May 16, 2018, at or near [REDACTED].	Exonerated

	Chicago, during the course of his detention, and without due justification.	
Jason B. Bulkley	3. Arrested [REDACTED] a minor, at approximately 6 p.m. on May 16, 2018, at or near [REDACTED], Chicago, without due justification.	Exonerated

## II. APPLICABLE RULES AND LAWS

### Rules

1. **Rule 1:** Prohibits violation of any law or ordinance.
2. **Rule 6:** Prohibits disobedience of an order or directive, whether written or oral.
3. **Rule 8:** Prohibits disrespect to or maltreatment of any person, while on or off duty.
4. **Rule 10:** Prohibits inattention to duty.

### Special Orders

1. **S10-02-03:** “Gang and Narcotics-Related Enforcement.”<sup>5</sup>

### Federal Laws

**1. The Fourth Amendment to the Constitution of the United States (U.S. Const. Amd. IV as incorporated by Ill. Const. Art. I, Sec. 6).**

“The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no Warrants shall issue, but upon probable cause, supported by Oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.”

### State and Local Laws and Ordinances

1. **Municipal Code of Chicago (“MCC”):** Sec. 2-84-300-A “Resisting a Police Officer or Aiding Escape.”<sup>6</sup>
2. **Municipal Code of Chicago (“MCC”):** Sec. 8-4-017, “Narcotics-Related Loitering.”<sup>7</sup>

<sup>5</sup> Attachment 20.

<sup>6</sup> Attachment 21.

<sup>7</sup> Attachment 22.

**III. INVESTIGATION<sup>8</sup>**

**a. Interviews**

**1. Complainant ██████████**

In an interview with COPA on September 27, 2018,<sup>9</sup> Complainant ██████████ related that on the date and time alleged, she witnessed her son, ██████████ be shoved or grabbed<sup>10</sup> by an older, Caucasian CPD officer in a “white shirt” [now believed to be Sgt. Timothy Gorkowski] and arrested outside their apartment building. Ms. ██████████ related that her son had not done anything warranting being so roughly treated or being arrested, and that he was walking away from officers before being stopped.<sup>11</sup> She related that he stopped in front of their home address before being grabbed by Sergeant Gorkowski and protested that he had a right to be there because he lived there.<sup>12</sup> Ms. ██████████ said the sergeant later told her that ██████████ was arrested because he wouldn’t get out of the street when ordered.<sup>13</sup>

**b. Digital Evidence**

In-car camera (“ICC”) and Body-worn camera (“BWC”) video was requested and reviewed.<sup>14</sup>

COPA reviewed BWC footage obtained from multiple officers’ Axon BWC units, which depicted the parties’ interactions at the scene. Officer Gilberto Martinez’ BWC footage captured the initial detention of ██████████<sup>15</sup> Noteworthy details from that BWC and their approximate times of occurrence are listed below:

Time	BWC Video Description of Events (Officer Martinez’ BWC #X81025525)
01:53	Sergeant Gorzkowski was depicted standing with officers on the parkway/curb, near the street and CPD squad cars. ██████████ was

<sup>8</sup> COPA conducted a thorough and complete investigation. The following is a summary of the material evidence gathered and relied upon in our analysis.

<sup>9</sup> Attachment 9, CV statement.

<sup>10</sup> See also, Attachment 19, P.O. Martinez’ BWC (Axon #X81025525) at 10:17. CV ██████████ “[...] [You] grabbed him by his neck.” Gorzkowski: “[...] Grabbed him by his neck? No, I grabbed him by his sleeve.”

<sup>11</sup> Attachment 9, CV statement at 2:42, and 6:40-8:27.

<sup>12</sup> Id. at 8:33.

<sup>13</sup> Id. at 9:25.

<sup>14</sup> No front-facing ICC footage depicting the interaction(s) at issue was recovered, however relevant rear-facing footage was recovered.

<sup>15</sup> Additional recovered BWC video depicted ██████████ handcuffing and arrest. (See Attachment 19, Officer Valdez’ BWC X81242398, at 4:10).

	handcuffed and standing in the street with officers, adjacent to squad car #7134.
02:00	Sergeant Gorzkowski radioed dispatch and stated they were out on a stop and there were about 30 people out on the block and that they were going to “get [inaudible] out of here.”
02:30	Another officer radioed dispatch and dispatch responded, in part: “you guys are stepping on each other.”
02:48	Sergeant Gorzkowski turned back, walked over the curb and towards the adjacent sidewalk. He then walked down the sidewalk, in the opposite direction from the area where Mr. ██████ and the other officers stood.
02:53	Sergeant Gorzkowski walked past multiple bystanders. He then hollered: “Get the f--k off the street!”
03:03	Sergeant Gorzkowski continued walking down the sidewalk. A young black male in a white shirt [████████] became visible in the background on BWC, walking in the street and moving away from officers.
03:17	The black male in the street continued walking away, towards the intersection. Sergeant Gorzkowski continued walking towards him. A CPD SUV then drove up nearby and stopped.
03:27	A uniformed Hispanic female [Officer Cristobal] exited the squad vehicle and walked towards the male in the street and yelled: “Get off the f----g street!”
03:33	████████ stepped off the street onto the parkway.
03:34	Officer Cristobal and Sergeant Gorzkowski walked towards ██████ -- who turned towards Sergeant Gorzkowski, put his hands up, and said: “[Inaudible],” and continued walking away.
03:36	Sergeant Gorzkowski grabbed ██████ right shirt collar/shoulder fabric, pulled him back and around, rightward, and escorted him towards waiting squad cars at the opposite end of the block.
07:48	A woman in a blue top was depicted standing in the street, hollering, and told a waiting officer(s) she was ██████ mother. She then produced her ID to Sergeant Gorzkowski.

09:30	Ms. ██████ spoke with Sergeant Gorkowski but the audio was not readily discernible. Another officer stated that one individual was dealing [drugs] and arrested and another “was in the street” and arrested after being told to leave.
11:24	██████████ was seated in the rear of squad vehicle 7101. A uniformed officer told him his mom took his phone and glasses for safekeeping.
18:20	██████████ and Mr. ██████ were depicted exiting separate squad vehicles and being escorted through the district station’s rear entrance door. [Video thereafter concluded].

**c. Documentary Evidence**

The relevant **Attendance and Assignment**<sup>16</sup> record for the date at issue showed that accused Sergeant Gorzkowski worked a 3:30 p.m. - 12:30 a.m. shift and assigned as a Mission Team Supervisor to car 7073.

The **Arrest Report**<sup>17</sup> of ██████ documented ██████ was arrested at ██████ ██████ Chicago, IL at 6:02 p.m., on May 5, 2018. He was charged with violating “2-84-300-A, Resisting police officer or aiding escape, Class L.” The Incident Narrative documented, in part, that:

“A/Os were conducting a narcotics investigation on hotspot #18-010-██████ when [██████] and numerous others began impeding the investigation. [██████] and others were given two lawful orders to disperse by Sgt. Gorzkowski #1126 BT 1020. Arrestee was given a reasonable amount of time to disperse from the location and refused to do so while the others were able to disperse in that time thereby obstructing investigating officer’s ability to discharge its duty to maintain order and provide safety on the public way due to unsafe crowd conditions. Arrestee’s mother was on scene and notified at 1802 hrs. Arrestee was transported back to 010 for further processing. Name check performed [...] no warrants [...] a documented beam team Traveling Vice Lord[....]”

Arresting officers were documented as Officers Buckley, #9287, and Valdez, #8868. The report also noted ██████ was taken to the juvenile detention JISC holding facility.

<sup>16</sup> Attachment 13.

<sup>17</sup> Attachment 11.

#### IV. ANALYSIS

##### 1. Sergeant Timothy E. Gorzkowski

COPA finds EXONERATED for **Allegation #1** that on the date and time alleged, **Sergeant Timothy E. Gorzkowski** detained ██████████ a minor, without due justification.

It is undisputed that on the date and time alleged, BWC video depicted Sergeant Gorzkowski approach and forcibly detain ██████████ who was thereafter handcuffed and arrested. Ms. ██████████ alleged her son's detention was unjustified because he followed officers' orders to leave the area and walked away with several other individuals from the immediate location [of ██████████ arrest]. Ms. ██████████ related ██████████ however, stopped mid-way, in front of their apartment building at ██████████, and told officers he could do so, because he lived there. As such, the sergeant and officers should not then have detained or arrested him.

BWC video showed the foregoing was not accurate, diminishing the credibility of Ms. ██████████ claim. To wit: At approximately 2:55 minutes, BWC footage<sup>18</sup> depicted ██████████ walking southbound down the center of S. Lawndale Ave., away from officers and away from ██████████ arrest scene. Multiple other people were likewise walking down the sidewalk in the same general direction, and away from officers. At approximately 2:56 minutes, Sergeant Gorkowski appeared to notice ██████████ walking directly in the street and followed him, yelling out: "Get the f—k off the street!" At no point visible on BWC, however, did ██████████ stop in front of ██████████, or tell officers he lived at the building. His location on BWC was already past that address. ██████████ instead walked south on South Lawndale Ave., for approximately 17 more seconds before yelling back<sup>19</sup> towards Sergeant Gorkowski and the other officer(s) who by then were following him on foot. At approximately 3:20 minutes, a northbound CPD SUV stopped on South Lawndale Ave. and two female officers exited. One officer [Officer Cristobal] immediately approached ██████████ and yelled: "Get off the f--ing street!" At that point, ██████████ turned away from the female officer, walked rightward, onto the grass parkway, and at 3:38 minutes, Sergeant Gorkowski approached from the rear, grabbed ██████████ shirt near the right shoulder, spun him around, and marched ██████████ in the opposite direction, towards the officers and waiting squad cars, after which point, he was handcuffed and arrested. The BWC footage thus showed ██████████ was stopped and detained approximately 42 seconds after first being warned by Sergeant Gorkowski to disperse from the roadway onto the sidewalk. BWC did not show, contra Ms. ██████████ allegation, he was stopped and detained for pausing in front ██████████ Ave.

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<sup>18</sup> See Attachment 19, Officer Martinez' BWC (Axon #X81025525)

<sup>19</sup> *Id.* at 3:12 minutes [Unintelligible].

Pursuant to the Municipal Code of Chicago, where sidewalks are provided, it is unlawful for pedestrians to walk along and upon an adjacent roadway within the City of Chicago. (MCC 9-60-080). In addition, pursuant to S10-02-03 and S-10-02 (“Gang and Narcotics Related Enforcement” and Gang and Narcotics Related Loitering), incorporating MCC Sec. 8-4-017 and 8-4-015, where officers observe two or more persons loitering in an area designated as a Hot Spot or a High Level Gang Conflict Location, the member(s) will determine if any criminal street gang member is present or if the persons are engaged in gang or narcotics-related loitering. If the additional criteria listed in the special order(s) are also satisfied, the officer may, amongst other things, verbally order such persons to disperse and remove themselves from sight and hearing of that location – and that if they fail to do so, they may be arrested.

The place of [REDACTED] detention and arrest – and roughly eight square surrounding blocks – was demarcated as a gang and/or narcotics loitering hot spot zone.<sup>20</sup> As such, and incident to the concurrent gang and narcotics-related arrest of [REDACTED] Sergeant Gorkowski acted within policy when he yelled to bystanders, including [REDACTED]<sup>21</sup> to clear the street and leave via the sidewalks. [REDACTED] did not comply with Sergeant Gorkowski’s order, yelled something back to the officer(s), and continued walking in the middle of the street<sup>22</sup> for nearly a minute before being detained and subsequently arrested (justifiable under City of Chicago Municipal Code MCC 9-60-080, MCC Sec. 8-4-017 and 8-4-015; CPD Special Orders S10-02-03 and S-10-02 (“Gang and Narcotics Related Enforcement” and Gang and Narcotics Related Loitering)).

For each of the multiple foregoing reasons, a finding of EXONERATED is warranted.

COPA finds EXONERATED for **Allegation #2** that on the date and time alleged, **Sergeant Timothy E. Gorzkowski** grabbed, pulled, and/or shoved [REDACTED] a minor, during the course of his May 16, 2018, detention, and without due justification.

BWC video clearly depicted Sergeant Gorkowski approach [REDACTED] from behind, after [REDACTED] failed to immediately move off the roadway when first ordered by police. Sergeant Gorkowski then approached, grabbed the rear, right shirt collar/sleeve area of [REDACTED] shirt, pulled him backwards, to the right and around. Sergeant Gorkowski escorted [REDACTED] back down the block, towards waiting squad cars where he was then arrested.

Grabbing [REDACTED] shirt/shoulder area to effectuate his detention and arrest in this manner was not a violation of Department policy or Illinois law. Grabbing a detainee’s arm and like maneuvers, including using ‘come-along-holds’ are recognized holding technique options authorized for passive resisters who fail to comply with verbal or other direction.<sup>23</sup> The amount of force used in this instance was likewise minimal, and, contra Ms. [REDACTED] initial claim, [REDACTED] was not grabbed or shoved by his neck itself. No injuries were likewise reported following the incident. For each of the multiple foregoing reasons, a finding of EXONERATED is warranted.

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<sup>20</sup> Attachment 25.

<sup>21</sup> See Attachment 11, arrest report. “[REDACTED] was] a documented Beam Team Traveling Vice Lord [member].”

<sup>22</sup> And towards a northbound CPD quad car driven by Officer Cristobal.

<sup>23</sup> See CPD G03-02-01 Response to Resistance and Force Options.



**Appendix A**

Assigned Investigative Staff

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<b>Squad#:</b>	17
<b>Investigator:</b>	Paul Fine
<b>Supervising Investigator:</b>	Gregory Little
<b>Deputy Chief Administrator:</b>	Angela Hearts-Glass