

SUMMARY REPORT OF INVESTIGATION¹

Date/Time/Location of Incident:	August 25, 2019/12:15 p.m./[REDACTED] #J-2, Chicago, IL.
Date/Time of COPA Notification:	September 7, 2019/6:20 p.m.
Involved Officer #1:	Dante Walker, Star #18396, Employee ID#[REDACTED], Date of Appointment: May 17, 1993, Rank: Police Officer, Unit of Assignment: 002 nd District, Date of Birth: [REDACTED] 1969, Gender: Male, Race: Black
Involved Officer #2:	Frank Staszal, Star #18755, Employee ID#[REDACTED], Date of Appointment: December 27, 2018, Rank: Police Officer, Unit of Assignment:005 th District, Date of Birth: [REDACTED] 1997, Gender: Male, Race: Black
Involved Individual #1:	[REDACTED] DOB: [REDACTED] 1977, Gender: Male, Race: White
Involved Individual #2:	[REDACTED] DOB: [REDACTED] 1957, Gender: Male, Race: Black
Case Type:	Excessive Force/False Arrest

I. ALLEGATIONS

Officer	Allegation	Finding
Officer Dante Walker	It is alleged by [REDACTED] that on or about August 25, 2019 at approximately 12:15p.m. at or near [REDACTED] #J-2, Officer Dante Walker Star No.: 18396, committed misconduct through the following act or omissions, by: 1. Arresting [REDACTED] without justification.	Not Sustained

¹ COPA 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..

	<ol style="list-style-type: none"> 2. Failing to investigate the complaint against [REDACTED] 3. Failing to investigate [REDACTED] claims against [REDACTED] 4. Forcefully lifting [REDACTED] arms while handcuffed, without justification. 5. Pushing [REDACTED] into a wall, without justification. 6. Detaining [REDACTED] for an unreasonable amount of time, without justification. 	<p>Not Sustained</p> <p>Not Sustained</p> <p>Not Sustained</p> <p>Not Sustained</p> <p>Not Sustained</p>
<p>Officer Frank Staszel</p>	<p>It is alleged by [REDACTED] that on or about August 25, 2019 at approximately 12:15p.m. at or near [REDACTED] #J-2, Frank Staszel, Star No.: 18755, committed misconduct through the following act or omissions, by:</p> <ol style="list-style-type: none"> 1. Arresting [REDACTED] without justification. 2. Failing to investigate the complaint against [REDACTED] 3. Failing to investigate [REDACTED] claims against [REDACTED] 4. Detaining [REDACTED] for an unreasonable amount of time, without justification. 	<p>Not Sustained</p> <p>Not Sustained</p> <p>Not Sustained</p> <p>Not Sustained</p>

II. SUMMARY OF EVIDENCE

On August 25, 2019, Chicago Police Department (CPD) Officers Dante Walker #18396 and Frank Staszel #18755 responded to an OEMC service call² requesting a well-being check of [REDACTED]. [REDACTED] informed officers he wanted his roommate [REDACTED] removed from the shared apartment located at [REDACTED] Apt J-2. [REDACTED] advised the officers that [REDACTED] threatened to harm him during a verbal altercation the previous night. Officers arrested [REDACTED] and transported him to the 2nd District station. [REDACTED] filed a complaint with the Civilian Office of Police Accountability (COPA) alleging officers failed to investigate, conducted a false arrest based on discrimination, used excessive force without justification and detained him for an excessive amount of time after the arrest.

² Attachment 11 - CLEAR Data Warehouse Service Call Search. [REDACTED] sister call to request a wellness check after overhearing the verbal altercation escalate during a phone call.

On September 13, 2019, ██████ provided a digitally recorded statement to COPA³. In summary, ██████ recalled Officers Walker and Staszal arrived at the apartment and discussed ██████ request to have him return a bus pass, keys and vacate the unit. Officers informed ██████ that housing and civil matters were not within their jurisdiction. ██████ reported to officers that the previous night, ██████ threatened to harm him with bodily injury. ██████ recalled ██████ told officers “he (██████) would kick his ass.” ██████ recalled that without performing an investigation, officers arrested him and transported him to the police station. Upon exiting the vehicle at the CPD 2nd District parking lot, Officer Walker pulled his right arm above his shoulder and caused extreme pain. Inside the lockup, Officer Walker pushed ██████ into a wall, without justification. ██████ recalled that he remained at the station over 10 (ten) hours from approximately 12:00 p.m. to 10:00 p.m. and eventually received an I-bond before being released. ██████ stated that he believed Officer Walker was racially biased toward him because both Officer Walker and ██████ appear to be of African American decent.

On March 17, 2021, Officer Dante Walker and Officer Frank Staszdel provided separate digitally recorded statements to COPA⁴. In summary, Officer Walker recalled, ██████ declined to answer questions during the preliminary investigation. The officers advised the roommate about housing court, landlord tenant law, and civil matters. Officer Walker stated he received training to provide the victim with information regarding filing a complaint, an order of protection, and legal remedies. Officer Walker stated ██████ filed a complaint alleging ██████ threatened him the previous night. As the officers began to effect the arrest of ██████ Officer Walker recalled ██████ was physically pulling back, made a number of derogatory remarks and was upset he was being arrested. Officer Walker used de-escalation tactics to control the situation. As the arrest of ██████ was being effected and he was being taken into custody, ██████ then made allegations about a handgun, specifically that ██████ was a felon who had a gun in the apartment. . With respect to this allegation of a gun in the apartment being made by ██████ ██████ should have complained of the gun when initially questioned. The officers used their discretion to conduct the investigation and effect the arrest⁵ of ██████ Officer Walker stated cross-complaints are not encouraged by CPD. Officer Walker’s and Staszal’s⁶ BWC video footage⁷, arrest reports⁸, the OEMC event query report⁹

Body Worn Camera video footage of Officers Walker and Staszal captures the incident in which the officers arrive at the scene and preliminarily investigate the complaint. Officers inform ██████ that the removal of a resident is a civil matter and officers will not remove the roommate from the home based on the information provided by ██████ refuses to answer the officers’ questions. ██████ then informs officers that during the previous night, ██████ uttered words to the effect of “he would kick my ass. That’s why my sister called.” ██████ refutes the accusation made by ██████ and tells officers that ██████ has a gun in his room and is a convicted felon. ██████ denies having a gun. Officers then order ██████ to standup and place

³ Attachment 28 - ██████ Statement. Recorded complainant statement.

⁴ Attachments 39, 40 and 41. Officer Walker, and Staszal Statements.

⁵ Assault – Simple Class C- Type M, 720 ILCS 5.0/12-1-A.

⁶ Attachments 18, 21 and 25. Body Worn Camera video of Officers Walker and Staszal.

⁷ Attachment 4, Arrest Report.

⁸ Attachment 5. Event Query 1923707804

⁹ Attachment #

his hands behind his back while they place handcuffs on his wrists. Officers place ██████ into custody and escort him out of the unit and building¹⁰.

BWC further shows ██████ tells officers he will sue for wrongful arrest. ██████ tells officers “you’re a piece of shit. You’re a piece of shit. You’re a piece of shit too. You’re a racist because you took another black man’s word for it, because you want to arrest the white man.” ██████ completes a complaint form. Officers advise ██████ that he will get a court date and how to pursue an order of protection. Officer Walker asked ██████ to tell him exactly what ██████ said during the argument, ██████ recalled hearing ██████ say “I’ll fucking kill you, punk ass, bitch ass, mother fucker”. When asked if ██████ got in his face in an aggressive manner and made any motions, ██████ replied “yes, I kind of got scared, that’s why I had my door locked¹¹.”

During the transport to the station, ██████ is belligerent and makes provocative statements to the officers, including “I hope you and your partner are killed by gang bangers. I hope your wife and kids cry over your coffin.” In the station parking lot, Officer Walker opens the passenger door and ██████ does not step out of the vehicle. Officer Walker orders him out of the vehicle, the second time the officer states “I’m going to ask you one more time to step out of the vehicle. ██████ does not appear to make a motion to exit the vehicle when Officer Walker reaches into the vehicle, holds and lifts his right arm as ██████ steps out¹².

Inside the station officers hold on to ██████ as he appears to lose his balance. Officers struggle to adjust the cuffs on ██████. Audio is not available until the two minute mark when ██████ is heard talking to Officer Walker, stating “ you’ve got a hot temper Walker, you shouldn’t get so angry so easily. You’ve got to hold your temper.” Officers move ██████ from the bench to the wall, where he stands while officers adjust the handcuffs. The video ends as ██████ continues to question Officer Walker about his maturity¹³.

III. ANALYSIS AND CONCLUSION

The complainant, ██████ alleged Officers Walker and Staszal unlawfully arrested him, failed to investigate the complaints against him and ██████ used excessive force during the arrest, and unlawfully detained him. After examining the digital and documentary evidence, COPA finds that the arrest and investigation occurred and were lawful and proper.

Officers conducted a preliminary investigation and arrested ██████ (simple assault) based on the information provided by ██████ signed a complaint¹⁴ and officers followed Department policy¹⁵ and procedure to make the arrest. As captured in BWC video, ██████ refused to participate in the investigation when Officer Walker questioned him. Officer Walker

¹⁰ Attachments 18, 21 and 25. Body Worn Camera video of Officers Walker and Staszal.

¹¹ Ibid.

¹² Ibid.

¹³ Attachment 25. BWC video of Officer Staszal, Frank - Axon _Body_2_Video_2019-08-25_1233.mp4

¹⁴ CPD General Order G04-04-02 Domestic Incident Notice

¹⁵ 725 ILCS 5/108-1.01 delineates the authority for conducting an investigatory stop.

stated he used his discretion¹⁶ and had no concerns for his or his partner's well being. [REDACTED] delay in providing information as well as making allegations against [REDACTED] until he was taken into custody appeared retaliatory and impacted his credibility.

[REDACTED] intimated that the arrest was based on discrimination. BWC video captured [REDACTED] state to Officer Walker, an African American, that Officer Walker discriminated against him by taking the word of [REDACTED] a black man, and wanting to arrest [REDACTED] because he was white. CPD prohibits racial profiling and other bias based policing¹⁷ activities. When developing probable cause for an arrest members must be able to clearly articulate the specific police or public safety purpose. In light of the circumstances, Officer Walker and Staszal were courteous in their demeanor and acted consistently with the established policies and procedures. Evidence does not support the intimation of discrimination. Furthermore, COPA finds officers conducted the investigation and arrest in accordance with Department¹⁸ policy and Illinois statute¹⁹.

[REDACTED] alleged Officer Walker forcefully lifted him by the arms while handcuffed without justification. COPA finds that the force used was lawful and proper. BWC video captured the arrival at the 002 District station parking lot. [REDACTED] was a passive resister and uncooperative when he refused to exit the CPD vehicle after Officer Walker ordered him out of the vehicle twice. CPD directives²⁰ authorized Officer Walker's actions including the holding technique to compel his compliance after [REDACTED] non-movement in response to verbal direction. Officer Walker's response was objectively reasonable, necessary, and proportional under the totality of the circumstances in order to control the arrestee. COPA finds that Officer Walker complied with Department procedure when he forcefully lifted [REDACTED] arms while handcuffed.

The BWC video footage captured officers holding [REDACTED] by the arm as they enter the district station and toward the intake area. As they enter a room, [REDACTED] appears to lose his balance. However it is not apparent from the video that Officer Walker pushed him against the wall. Inside the room, Officer Walker attempts to adjust the handcuffs while [REDACTED] is seated on the bench. [REDACTED] is ordered to stand up and face a wall while Officer Walker adjusts the handcuffs²¹. [REDACTED] is taunting Officer Walker and at no point did he mention he was pushed or claim that Officer Walker injured him. The arrest report²² documents a visual check of [REDACTED] as not in obvious pain, and the arrestee questionnaire included no serious medical problems. COPA finds there is insufficient evidence to prove the allegation that Officer Walker pushed [REDACTED] against a wall.

¹⁶ CPD police dictates police officers have discretionary power and rely on their experience and training to direct their actions when determining whether a threat to the officer's safety or third parties is present.

¹⁷ Chicago Police Department, General Order G02-04, Prohibition Regarding Racial Profiling and Other Bias Based Policing, effective 01 December 2017.

¹⁸ CPD General Order G04-04 Domestic Incidents, CPD Special Order S04-04-01 Orders of Protection - Procedures, and CPD General Order G04-04-01 Orders of Protection - Policy

¹⁹ 720 ILCS 5.0/12-1-A "In a domestic incident police officers will immediately use all reasonable means to prevent further abuse, neglect, exploitation, including: restoring order by gaining control of the situation, identifying and securing any weapons or objects..."

²⁰ CPD General Order G03-02, Use of Force, effective 16 October 2017 version.

²¹ Attachments 18, 21 and 25. Body Worn Camera video of Officers Walker and Staszal.

²² Attachment 4. Arrest Report [REDACTED]

██████████ alleged Officer Walker and Staszal detained him for an unreasonable amount of time without justification. Under Department policy²³ officers followed the proper procedures²⁴. The arrest report included the arrest occurred on August 25, 2019 at 12:15 and released on a recognizance bond dated August 25, 2019 at 23.05. ██████████ was charged with simple assault²⁵. He was received in lock up at 14:45, and processing included his photograph and prints taken at 22:00 and 22:03 respectively. The lockup keeper processing remarks include “arrestee became combative and refused to be printed.” If the amount of time was unreasonably extended, it is not evident in the documentation or evidence. In addition, ██████████ behavior in the station and during processing accounted for the time spent in lockup. There is no objective verifiable evidence to support the allegation that officers detained ██████████ for an excessive amount of time after the arrest.

There is no evidence to support the allegations that Officer Walker and Staszal violated policy or procedure in investigating the complaint, responding to the arrestee’s actions and behaviors, or in arresting, detaining, and processing him. Based on the totality of the evidence, COPA finds that the allegations against Officers Walker and Staszal are **NOT SUSTAINED**.

Approved:



Angela Hearts-Glass
Deputy Chief Investigator

8-30-2021

Date

²³ CPD General Order G06-01, Processing Persons Under Department Control, effective date 07 June 2002 version.

²⁴ CPD Special Order S06-01-02 Detention Facilities General Procedures and Responsibilities, effective date 09 September 2019 version. Guidelines for Arrestee Screening and Monitoring.

²⁵ 720 ILCS 5.0/12-1-A Assault Simple, Class C – Type M

Appendix A

Assigned Investigative Staff

Squad#:	17
Investigator:	Emmily Stokes
Supervising Investigator:	Gregory Little
Deputy Chief Investigator:	Angela Hearts-Glass