

SUMMARY REPORT OF INVESTIGATION

Date/Time/Location of Incident:	February 27, 2019/ 8:20 P.M./ [REDACTED] Avenue
Date/Time of COPA Notification:	March 20, 2020/ 3:38 P.M.
Involved Officer #1:	Jason Motyka, Star No. 865, Employee No. [REDACTED], Date of Appointment: March 26, 2001, Rank: Sergeant of Police, Unit of Assignment: 650, DOB: [REDACTED], 1977, Male, White
Involved Officer #2:	Craig Brownfield, Star No. 2181, Employee No. [REDACTED], Date of Appointment: November 24, 2003, Rank: Sergeant of Police, Unit of Assignment: 009, DOB: [REDACTED] 1980, Male, White
Involved Officer #3:	Adam Tapling, Star No. 9489, Employee No. [REDACTED], Date of Appointment: June 16, 2017, Rank: Police Officer, Unit of Assignment: 009, DOB: [REDACTED] 1990, Male, White
Involved Officer #4:	John Sherlock, Star No. 10192, Employee No. [REDACTED], Date of Appointment: August 28, 2017, Rank: Police Officer, Unit of Assignment: 009, DOB: [REDACTED], 1992, Male, White
Involved Individual #1:	[REDACTED] DOB: [REDACTED], 1990, Male, Black
Involved Individual #2:	[REDACTED] DOB: [REDACTED], 1989, Female, White Hispanic
Case Type:	Excessive Force/Verbal Abuse/Neglect of Duty

I. ALLEGATIONS

Officer	Allegation	Finding/ Recommendation
Sergeant (Sgt.) Jason Motyka	It is alleged by COPA, by and through Deputy Chief Matthew Haynam, that on or about February 27, 2019, at approximately 8:20 P.M., at or near [REDACTED] Avenue, Sergeant Jason Motyka, Star No. 865, committed misconduct through the following acts or omissions, by: 1. failing to comply with Special Order S03-14 by failing to activate his body worn camera.	Sustained/180 Days-Separation

	<p>2. failing to use de-escalation techniques in violation of General Order G03-02.</p> <p>3. stating words to the effect of “Leave, boy. Leave boy.”</p> <p>4. forcefully grabbing ██████████ arm without justification.</p> <p>5. failing to comply with General Order G03-02-02 by failing to complete a Tactical Response Report.</p> <p>6. failing to immediately request appropriate medical aid for ██████████</p>	<p>Sustained/180 Days-Separation</p> <p>Sustained/180 Days-Separation</p> <p>Sustained/180 Days-Separation</p> <p>Sustained/180 Days-Separation</p> <p>Sustained/180 Days-Separation</p>
<p>Sgt. Craig Brownfield</p>	<p>It is alleged by COPA, by and through Deputy Chief Matthew Haynam, that on or about February 27, 2019, at approximately 8:20 P.M., at or near ██████████ Avenue, Sergeant Craig Brownfield, Star No. 2181, committed misconduct through the following acts or omissions, by:</p> <p>1. failing to comply with Special Order S03-14 by failing to timely activate his body worn camera.</p> <p>2. failing to use de-escalation techniques in violation of General Order G03-02.</p> <p>3. forcefully grabbing ██████████ arm without justification.</p> <p>4. failing to report to the Department verbal abuse committed by Sergeant Jason Motyka.</p> <p>5. failing to immediately request appropriate medical aid for ██████████</p>	<p>Sustained/30 Days</p> <p>Sustained/30 Days</p> <p>Sustained/30 Days</p> <p>Sustained/30 Days</p> <p>Sustained/30 Days</p>
<p>Officer Adam Tapling</p>	<p>It is alleged by COPA, by and through Deputy Chief Matthew Haynam, that on or about February 27, 2019, at approximately 8:20 P.M., at or near ██████████ Avenue, Officer Adam Tapling, Star No. 9489, committed misconduct through the following acts or omissions, by:</p> <p>1. forcefully grabbing ██████████ arm without justification.</p>	<p>Sustained/15 Days</p>

	2. failing to immediately request appropriate medical aid for [REDACTED]	Sustained/15 Days
Officer John Sherlock	It is alleged by COPA, by and through Deputy Chief Matthew Haynam, that on or about February 27, 2019, at approximately 8:20 P.M., at or near [REDACTED] Avenue, Officer John Sherlock, Star No. 10192, committed misconduct through the following acts or omissions, by: 1. failing to immediately request appropriate medical aid for [REDACTED]	Sustained/5 Days

II. SUMMARY OF EVIDENCE

On March 20, 2020, the Civilian Office of Police Accountability (COPA) registered a complaint upon receipt of a federal lawsuit filed on behalf of [REDACTED]. The lawsuit alleges that several Chicago Police Department (CPD) members committed misconduct during their response to a domestic disturbance on February 27, 2019, at [REDACTED] Avenue. Unable to obtain an affidavit from Mr. [REDACTED], COPA received an Affidavit Override from the Bureau of Internal Affairs based on its preliminary investigation. COPA served allegations that the accused members used excessive force to take Mr. [REDACTED] to the ground and handcuff him, resulting in Mr. [REDACTED] sustaining a broken right arm. COPA further alleged that Sgt. Motyka directed race-based verbal abuse towards Mr. [REDACTED] which Sgt. Brownfield failed to report, and that all the accused officers failed to immediately request medical aid for Mr. [REDACTED]. In reaching its factual findings, COPA reviewed Mr. [REDACTED] lawsuit,¹ the accused members' COPA statements,² multiple body worn camera (BWC) videos,³ multiple Department reports, including an Arrest Report,⁴ Original Case Incident Report,⁵ Case Supplementary Report,⁶ and Tactical Response Reports (TRRs),⁷ as well as Office of Emergency Management & Communications (OEMC) Event Query Reports,⁸ 009th District Attendance & Assignment records,⁹ and other related documents.

COPA finds that on February 27, 2019, at approximately 8:20 P.M., multiple Department members responded to a call for service at [REDACTED] Avenue, which was placed by [REDACTED]. Other officers had been to the residence for a domestic disturbance involving Ms.

¹ Attachment 1– Complaint, [REDACTED] v. *City of Chicago, et. al* (20-CV-00474) The case was dismissed on May 18, 2021, after the parties reached a settlement agreement. Attachment 48– Civil suit docket, pg. 2.

² Attachments 52-55, 66-74.

³ Attachments 6-14, 21-26, 33(a)-33(e).

⁴ Attachment 2.

⁵ Attachment 3.

⁶ Attachment 4.

⁷ Attachments 15, 16, & 19.

⁸ Attachments 17-18.

⁹ Attachment 5.

██████████ and her fiancé, ██████████ approximately forty minutes earlier.¹⁰ Extensive body worn camera (BWC) evidence captures the incident under investigation. The videos show responding officers arrive at the residence, where Ms. ██████████ reports that Mr. ██████████ has been drinking and causing a domestic disturbance. As Ms. ██████████ opens the door for the officers to enter, Mr. ██████████ seated on a couch, flashes gang signs to the officers. Ms. ██████████ tells the officers that although Mr. ██████████ is presently calm, he just caused a disturbance, and she would like him to leave.

Sgt. Motyka enters the residence and greets two young children in the living room. Mr. ██████████ tells Sgt. Motyka not to speak to his kids, to which Sgt. Motyka replies, “I just did.”¹¹ Mr. ██████████ elevates his voice as he instructs the officers to look only at Ms. ██████████. Sgt. Motyka extends his hand towards Mr. ██████████ and tells him to relax. Mr. ██████████ replies, “Don’t tell me to relax.”¹² Sgt. Motyka again responds, “I just did,” then tells Mr. ██████████ to relax four more times in succession.¹³ Mr. ██████████ still seated, extends his hand towards Sgt. Motyka in a similar manner. The two argue over whether “it’s gonna be tit-for-tat,” with Mr. ██████████ directing multiple profanities toward the officers.¹⁴ Throughout the incident, Mr. ██████████ and Sgt. Motyka engage in an ongoing, back-and-forth verbal interaction as they continue to direct antagonistic statements towards each other.

When Officer Sherlock asks, “You’re a GD, huh—you’re real tough,”¹⁵ Mr. ██████████ stands up, displays a tattoo on his arm, and confirms that he is a Gangster Disciple. Mr. ██████████ directs the officers to “stop playing” with him, to which Sgt. Motyka replies, “Uh huh. Or what?”¹⁶ Mr. ██████████ answers, “Or nothing,” and he and Sgt. Motyka stare each other directly in the eye for approximately ten seconds, with Sgt. Motyka smiling at Mr. ██████████.¹⁷ Mr. ██████████ informs Sgt. Motyka that he could “give that fuckin’ Brady Bunch smile” all he wants.¹⁸

Mr. ██████████ tells Ms. ██████████ the reason he is not being calm is because of all the “blue and white, blue-eyed motherfuckers” around him, gesturing toward multiple White officers in the living room.¹⁹ Sgts. Brownfield and Motyka direct Mr. ██████████ to exit the residence, and Ms. ██████████ confirms to Mr. ██████████ that he must leave. Sgt. Brownfield tells Mr. ██████████ that it is cold outside and asks him to grab his sweatshirt. Mr. ██████████ shouts, “Shut the fuck up, I’m fixing to leave,”²⁰ as he points his finger at Sgt. Brownfield’s face. At that point, the videos show Sgt. Brownfield and other members step closer to Mr. ██████████ repeatedly state his name, and tell him to stop. Officer Rene Ugarte points a Taser at Mr. ██████████ and warns he will be tased if he does not slow down. Mr. ██████████ replies that the officer should Tase him, as he has done nothing wrong, has no weapons on him, and his children are in the room watching. Mr. ██████████ then calls Officer

¹⁰ Attachment 17— Event Query Report.

¹¹ Attachment 11 – PO Tapling BWC at 6:00 – 6:06.

¹² Attachment 11 – PO Tapling BWC at 6:15 – 6:17.

¹³ Attachment 11 – PO Tapling BWC at 6:17 – 6:23.

¹⁴ Attachment 11 – PO Tapling BWC at 6:45 – 6:52.

¹⁵ Attachment 11 – PO Tapling BWC at 6:52 – 6:55.

¹⁶ Attachment 11 – PO Tapling BWC at 7:27 – 7:33.

¹⁷ Attachment 11 – PO Tapling BWC at 7:33 – 7:46; Attachment 8 – PO Sherlock BWC at 5:56 – 6:08.

¹⁸ Attachment 11 – PO Tapling BWC at 7:41 – 7:46.

¹⁹ Attachment 11 – PO Tapling BWC at 7:59 – 8:04.

²⁰ Attachment 11 – PO Tapling BWC at 8:20 – 8:25.

Ugarte a “spic-ass motherfucker.”²¹ Multiple officers direct Mr. ██████ to leave, and he grabs his sweatshirt and begins moving toward the front door.

As Mr. ██████ approaches the doorway, Sgt. Brownfield, Sgt. Motyka, and Officer Ugarte bump up against him, causing Mr. ██████ to complain they are boxing him in. Mr. ██████ then turns around and tells Sgt. Motyka not to touch him. Sgt. Motyka replies, “I just did, I just did.”²² Mr. ██████ shouts, “I’m walkin’ without fuckin’ nothing. I’m walking bro, don’t fuckin’ touch me.”²³ As he continues toward the door, Sgt. Motyka, who is standing immediately behind Sgt. Brownfield, loudly states, “Leave, boy. Leave, boy.”²⁴ Mr. ██████ immediately turns and shouts to Sgt. Motyka, “Call me another fuckin’ ‘boy,’ fuckin’ cracker-ass nigger! Call me another one!”²⁵ Mr. ██████ exits the residence but stops to speak with Ms. ██████ in the stairway, causing Sgt. Brownfield to repeatedly command, “We’re walking, ██████”²⁶ As Mr. ██████ shouts at Sgt. Brownfield to “Shut the fuck up talking to me,” he points his left index finger towards Sgt. Brownfield’s face. Sgt. Brownfield then grabs Mr. ██████ left arm, yelling, “Get your fucking hands out of my fucking face!”²⁷ Sgt. Brownfield and other officers forcefully pull Mr. ██████ back into the apartment and down to the floor, with Sgt. Brownfield yelling, “We ain’t doing this all night, ██████”²⁸ During the struggle, Officer Ugarte again states that he is going to Tase Mr. ██████. Officer Sherlock shouts they do not need the Taser and Officer Ugarte should not use it; they just need to cuff Mr. ██████. Officer Ugarte does not Tase Mr. ██████ during the incident.

Multiple officers including Sgt. Motyka, Sgt. Brownfield, Officer Tapling, and Officer Sherlock, attempt to handcuff Mr. ██████ who addresses one of the officers as “Sir.” Sgt. Motyka remarks, “Yeah, now it’s “sir,” huh? Too late.”²⁹ As Officers Tapling and Linzemann pull Mr. ██████ right arm behind his back, struggling to place the handcuff on his wrist, Sgt. Motyka states words to the effect of, “Right here. Look. He’s handcuffed,” grabbing Mr. ██████ arm and pulling it even further behind his back.³⁰ As Sgt. Motyka manipulates Mr. ██████ right arm, Mr. ██████ immediately begins to scream, “My arm! My arm! My arm! . . . Please! Please! My arm! My arm!”³¹ Sgt. Brownfield tells ██████ to stop crying, and Mr. ██████ gasps, “My muscle, my muscle spasm!”³² Officer Tapling then grabs Mr. ██████ by his right arm and pulls him up to his feet. Mr. ██████ screams loudly, shouting, “Ow, my arm...ooh my arm!”³³

As the officers walk Mr. ██████ down the stairway toward the building’s exit, Mr. ██████ tells Officer Tapling, “My arm’s tightening up, sir.”³⁴ Sgt. Brownfield responds, “I don’t know

²¹ Attachment 8 – PO Sherlock BWC at 6:57 – 7:01.

²² Attachment 8 – PO Sherlock BWC at 7:20 – 7:24.

²³ Attachment 8 – PO Sherlock BWC at 7:22 – 7:26.

²⁴ Attachment 8 – PO Sherlock BWC at 7:30 – 7:33.

²⁵ Attachment 8 – PO Sherlock BWC at 7:31 – 7:39.

²⁶ Attachment 9 – PO Lee BWC at 7:50 – 8:04.

²⁷ Attachment 9 – PO Lee BWC at 8:05 – 8:07; Attachment 12 – Sgt. Brownfield BWC at 2:29 – 2:31.

²⁸ Attachment 12 – Sgt. Brownfield BWC at 2:32 – 2:34.

²⁹ Attachment 12 – Sgt. Brownfield BWC at 2:48 – 2:52.

³⁰ Attachment 33(d) – PO Linzemann BWC clip; Attachment 33(c) – Sgt. Brownfield BWC clip.

³¹ Attachment 12 – Sgt. Brownfield BWC at 2:56 – 3:12; Attachment 10 – PO Linzemann BWC at 8:09 – 8:25.

³² Attachment 12 – Sgt. Brownfield BWC at 3:14 – 3:21.

³³ Attachment 12 – Sgt. Brownfield BWC at 3:23 – 3:28.

³⁴ Attachment 11 – PO Tapling BWC at 11:15 - 11:18; Attachment 12 – Sgt. Brownfield BWC at 4:04 – 4:07.

who the fuck you think you're talking to, like this is a fucking game or something?"³⁵ The men exit the building and walk down the street, and Mr. ██████ again states that the muscle in his arm has become very tight. At approximately 8:28 P.M., Sgt. Motyka, Sgt. Brownfield, Officer Tapling, and Officer Sherlock escort Mr. ██████ to a parked police vehicle and place him in the rear seat. Mr. ██████ repeats, "My arm is broke, bro," and Officer Tapling shuts the vehicle door.³⁶

Sgt. Motyka approaches Sgt. Brownfield and asks at a low volume, "Back to the station?" Sgt. Brownfield replies, "Yeah."³⁷ As Sgt. Brownfield and other officers discuss who will write the reports for the incident, Mr. ██████ is heard inside the vehicle calling for the officers to help him. At approximately 8:31 P.M., Officer Sherlock and his partner, Officer Jairo Perdomo, begin transporting Mr. ██████ to the 009th District station. During the transport, Mr. ██████ tells the officers his arm is broken eight separate times, and he repeatedly complains that his handcuffs are very tight and are hurting his arm.³⁸ The officers respond they will request medical attention and loosen his handcuffs when they reach the 009th District station.

The video and documentary evidence shows the officers arrived at the station with Mr. ██████ at 8:38 P.M., Sgt. Brownfield requested an ambulance at 8:48 P.M., and the ambulance transporting Mr. ██████ arrived at ██████ Hospital at approximately 9:22 P.M.³⁹ Mr. ██████ continued to complain about his arm throughout his transport to the hospital. Mr. ██████ was treated by a Dr. ██████ for a broken right arm,⁴⁰ and returned back to the 009th District Station at approximately 1:57 A.M. Mr. ██████ was charged with assaulting Sgt. Brownfield and resisting or obstructing a peace officer.⁴¹ Sgt. Brownfield, Officer Tapling, and Officer Sherlock completed TRRs documenting their uses of force against Mr. ██████ but Sgt. Motyka did not. All of the involved officers recorded the incident on their BWCs except for Sgt. Motyka, who did not activate his camera during the incident.

III. LEGAL STANDARD

For each Allegation COPA must make one of the following findings:

1. Sustained - where it is determined the allegation is supported by a preponderance of the evidence;
2. Not Sustained - where it is determined there is insufficient evidence to prove the allegations by a preponderance of the evidence;
3. Unfounded - where it is determined by clear and convincing evidence that an allegation is false or not factual; or

³⁵ Attachment 11 – PO Tapling BWC at 11:18 - 11:24; Attachment 12 – Sgt. Brownfield BWC at 4:07 – 4:12.

³⁶ Attachment 12 – Sgt. Brownfield BWC at 5:15 – 5:20.

³⁷ Attachment 12 – Sgt. Brownfield BWC at 5:23 – 5:26.

³⁸ Attachment 22 – Officer Perdomo BWC.

³⁹ Attachment 22 – Officer Perdomo BWC at 8:05; Attachment 18 – Event Query Report, pgs. 3-4; Attachment 20 – Ambulance Run Report, pg. 7.

⁴⁰ Attachment 2 – Arrest Report, pg. 3; Attachment 3 – Original Case Incident Report pg. 3; Attachment 15 – PO Tapling TRR, pg. 2; Attachment 16 – PO Sherlock TRR, pg. 2; Attachment 19 – Sgt. Brownfield TRR, pg. 6.

⁴¹ Attachment 2 – Arrest Report. The criminal case against Mr. ██████ was dismissed on May 1, 2019. Attachment 74– Criminal court records.

4. Exonerated - where it is determined by clear and convincing evidence that the conduct described in the allegation occurred, but it is lawful and proper.

A **preponderance of evidence** can be described as evidence indicating that it is **more likely than not** that the conduct reviewed complied with Department policy.⁴² If the evidence gathered in an investigation establishes that it is more likely that the conduct complied with Department policy than that it did not, even if by a narrow margin, then the preponderance of the evidence standard is met.

Clear and convincing evidence is a higher standard than a preponderance of the evidence but lower than the “beyond-a-reasonable doubt” standard required to convict a person of a criminal offense. Clear and convincing can be defined as a “degree of proof, which, considering all the evidence in the case, produces the firm and abiding belief that it is highly probable that the proposition . . . is true.”⁴³

IV. ANALYSIS AND CONCLUSION

a. Body Worn Camera Violations

COPA finds that Sgts. Motyka and Brownfield failed to timely activate their body worn cameras in violation of Special Order S03-14. Multiple BWC videos capture Sgt. Motyka wearing a camera, yet Sgt. Motyka did not activate his camera to record any portion of the incident. Similarly, although Sgt. Brownfield activated his camera during the incident, he did not do so at the beginning of the incident. Sgt. Brownfield began recording only after he responded to the scene, entered the apartment building, and began interacting with Mr. [REDACTED]. Both sergeants’ actions were inconsistent with the requirements of Special Order S03-14, which provides that members must activate their cameras at the beginning of an incident and record the entire incident for all law-enforcement-related activities.⁴⁴ For these reasons, COPA finds that Sgts. Motyka and Brownfield failed to timely activate their body worn cameras in violation of Rule 6. Therefore, Allegation #1 against Sgt. Motyka and Allegation #1 against Sgt. Brownfield are **sustained**.

b. Failure to Use De-escalation Techniques

The Department’s Use of Force policy requires members to use de-escalation techniques to prevent or reduce the need for force when it is safe and feasible to do so based on the totality of the circumstances.⁴⁵ Examples of de-escalation techniques include, but are not limited to: maintaining continual communication, including exercising persuasion, advice, instruction, and warning prior to the use of physical force; using tactical positioning to isolate and contain a subject; and using time as a tactic to establish a zone of safety for officers and the public.⁴⁶ The policy

⁴² See *Avery v. State Farm Mutual Automobile Insurance Co.*, 216 Ill. 2d 100, 191 (2005) (a proposition is proved by a preponderance of the evidence when it has found to be more probably true than not).

⁴³ *People v. Coan*, 2016 IL App (2d) 151036, ¶ 28 (2016).

⁴⁴ Special Order S03-14(III)(A)(2).

⁴⁵ General Order G03-02-01(II)(B) (effective October 16, 2017 – February 28, 2020).

⁴⁶ See *id.* at (III)(A)-(C); General Order G03-02(III)(B)(4) (effective October 16, 2017 – February 28, 2020).

emphasizes the use of verbal control techniques and continual communication to avoid or minimize the need for force. It also recognizes that using time as a tactic may permit the de-escalation of a subject's emotions and allow the subject an opportunity to comply, as well as allow for members to adjust their verbal control techniques to better communicate with a subject.⁴⁷ Finally, when force is required, the policy requires members to modify their force in relation to the amount of continued resistance offered by a subject; if a subject offers less resistance, the member must immediately lower the force used.⁴⁸

i. Sgt. Brownfield

COPA finds that Sgt. Brownfield failed to use de-escalation techniques when he initiated a takedown in response to Mr. ██████ shouting and raising his finger at him. Sgt. Brownfield claimed in his TRR and his statement to COPA that Mr. ██████ assaulted him by assuming a bladed stance, closing the distance with him, waving a finger in his face, and shouting at him, putting the sergeant in fear of receiving a battery. However, BWC evidence is clear that, although Mr. ██████ did raise his left index finger towards Sgt. Brownfield while stating, "Shut the fuck up talking to me," he did not close the distance with Sgt. Brownfield or take any action constituting an assault. To the contrary, Mr. ██████ was in the process of leaving the residence, as Sgt. Brownfield had ordered.

Prior to the takedown, Sgt. Brownfield and other members had used numerous de-escalation techniques on Mr. ██████ including advice, persuasion, additional units, and time as a tactic. Those techniques were successful in convincing Mr. ██████ to leave the residence on his own, without being arrested or subject to force. Indeed, approximately one minute before the takedown, Mr. ██████ directed the same type of behavior—finger pointing and shouting—at Sgt. Brownfield, and the sergeant was able to de-escalate Mr. ██████ outburst with verbal communication and direction. There is no reason to believe that, had Sgt. Brownfield used de-escalation techniques the second time Mr. ██████ shouted and pointed his finger at him, the sergeant would not have gained Mr. ██████ compliance without using force. The BWC videos show that Mr. ██████ level of resistance remained substantially the same throughout the incident; Sgt. Brownfield's level of force, however, increased significantly.

Indeed, as Sgt. Brownfield initiated the takedown, the BWC videos capture him yelling, "Get your fucking hands out of my fucking face!" and "We ain't doing this all night, ██████" Sgt. Brownfield's frustrated and impatient reaction suggests the takedown was an unnecessary escalation of the confrontation where there were de-escalation options available, including advice, persuasion, and time as a tactic. For all these reasons, COPA finds that Sgt. Brownfield's decision to stop using de-escalation techniques on Mr. ██████ violated the Department's Use of Force policy and served to further escalate the incident. Therefore, Allegation #2 against Sgt. Brownfield is **sustained** as a violation of Rules 2, 3, 5, and 6.

⁴⁷ *Id.* at (III)(C)(3).

⁴⁸ *See id.* at (II)(G).

ii. Sgt. Motyka

COPA also finds that Sgt. Jason Motyka failed to use de-escalation techniques when he repeatedly exchanged antagonizing statements with Mr. ██████. Sgt. Motyka's statements throughout the exchange, such as, "I just did," "What are you gonna do about it?" and "That's what I thought," clearly aggravated Mr. ██████ heightening the tension inside the residence. Sgt. Motyka's tit-for-tat exchange with Mr. ██████ then culminated in the sergeant directing Mr. ██████ to, "Leave boy, leave boy." Sgt. Motyka's words unnecessarily injected race into the incident, and they served to further aggravate Mr. ██████ embarrassing and degrading him in front of his young children. His comments escalated rather than de-escalated the situation, and they helped to create the atmosphere that led to the takedown and injury of Mr. ██████. For these reasons, COPA finds Sgt. Motyka failed to use de-escalation techniques when it was safe and feasible to do so. His statements violated Rules 2, 3, 5, and 6, and Allegation #2 against Sgt. Motyka is **sustained**.

c. Verbal Abuse Violations

COPA finds that Sgt. Motyka verbally abused Mr. ██████ by stating words to the effect of, "Leave, boy. Leave boy." Sgt. Motyka admitted he said, "Leave, boy," to Mr. ██████ but he claimed he did not mean the term "boy" in a racial context. Sgt. Motyka also maintained he did not know "boy" is widely accepted to be racially derogatory when directed at African American males. However, countless sources document that the term, when so used, is widely understood to be racially derogatory.⁴⁹ Sgt. Motyka's claim that he did not know the term "boy" is racially derogatory is not credible. Therefore, COPA finds that Sgt. Motyka committed racial verbal abuse when he stated words to the effect of, "Leave, boy. Leave, boy" to Mr. ██████. The sergeant's statements were particularly egregious given that he made them in the presence of numerous subordinate officers as well as Mr. ██████ young, African American male children. For these reasons, COPA finds Sgt. Motyka's verbal abuse violated Rules 2, 3, 6, 8 and 9, and Allegation #3 against Sgt. Motyka is **sustained**.

d. Failure to Report Verbal Abuse

Department policy requires all members, and particularly supervisory members, to immediately report any misconduct they observe in the course of their duties.⁵⁰ In this case, COPA finds that Sgt. Brownfield failed to report to the Department verbal abuse committed by Sgt. Motyka. The BWC evidence is clear that Sgt. Motyka was standing directly behind Sgt. Brownfield when he loudly stated, "Leave, boy. Leave boy," to Mr. ██████. Similarly, Mr. ██████ was standing immediately in front of Sgt. Brownfield when he responded to Sgt. Motyka, shouting, "Call me another fuckin' boy!" Sgt. Brownfield told COPA he did not report Sgt. Motyka's verbal abuse because he did not hear Sgt. Motyka call Mr. ██████ "boy." COPA finds

⁴⁹ While any listing of sources for this widely understood meaning would inevitably be incomplete, two authoritative sources are the U.S. Supreme Court decision in *Ash v. Tyson Foods, Inc.*, 546 U.S. 454 (2006) and the Amici Curiae Brief (No. 08-16135-BB) filed in the 11th Circuit U.S. Court of Appeals in *John Hithon v. Tyson Foods, Inc.*, No. 13-11720 (11th Cir. 2014), Sections (I)(A), "History is Filled with Examples of White People Addressing African American Men as "Boy" Purposely to Insult or Demean Them," and Section (I)(B), "Recent Case Law Illustrates that "Boy" is Commonly Understood to be Racially Discriminatory."

⁵⁰ General Order G08-01-02(II)(A)(5), (II)(B)(1)-(2) (effective May 4, 2018 – present).

Sgt. Brownfield's defense is not credible. Sgt. Brownfield was standing in between Sgt. Motyka and Mr. [REDACTED] within an arm's length of each man, when Sgt. Motyka stated "leave boy" at a loud volume. Therefore, COPA finds it is more likely than not that Sgt. Brownfield heard Sgt. Motyka's statements at the time he made them, but did not report them.

However, even if Sgt. Brownfield did not hear Sgt. Motyka's verbal abuse during the incident, he undoubtedly heard it when he reviewed the BWC footage prior to approving the TRRs of Officers Tapling and Sherlock. Sgt. Brownfield approved the TRRs at 3:17 AM and 3:21 AM on the night of the incident, before his tour of duty ended. Both TRRs expressly state, "R/Sgt. has reviewed all pertinent reports and body worn camera video regarding this incident."⁵¹ The BWC videos clearly capture Sgt. Motyka's verbal abuse, and even Sgt. Brownfield admitted he could hear Sgt. Motyka call Mr. [REDACTED] "boy" in the footage. Despite this, Sgt. Brownfield did not report the misconduct of Sgt. Motyka on the night of the incident or anytime thereafter.

For all these reasons, COPA finds the preponderance of the evidence establishes that Sgt. Brownfield heard Sgt. Motyka's verbal abuse and failed to report it to the Department. Sgt. Brownfield's inaction violated Rules 2, 3, 5 and 6, and Allegation #4 against him is **sustained**.

e. Excessive Force

i. Sgt. Motyka

COPA finds, by the preponderance of the evidence, that Sgt. Jason Motyka took the action which resulted in [REDACTED] broken arm—forcefully grabbing his right arm during handcuffing. Importantly, COPA makes no medical determination that [REDACTED] suffered a broken arm that evening. That medical determination was made by Dr. [REDACTED] at [REDACTED] Hospital on or about February 27, 2019, which COPA accepts as qualified and true.⁵²

COPA, however, does make a factual determination by a preponderance of the evidence that Sgt. Motyka took the use-of-force action resulting in the broken arm Dr. [REDACTED] diagnosed. The evidence of that action and its result is as follows: [1] Multiple officers pulled Mr. [REDACTED] arms tightly behind his back to administer handcuffing, [2] Sgt. Motyka forcefully grabbed Mr. [REDACTED] right arm with a quick jerking motion toward Mr. [REDACTED] left side, pulling it an additional distance further than the other officers, [3] Sgt. Motyka's forceful action was immediately followed by Mr. [REDACTED] screaming in pain about his arm, [4] Mr. [REDACTED] continually complained that his arm had been broken and was spasming⁵³ throughout his escort to the parked police vehicle and his transport to the 009th district station, as well as to the hospital, [5] multiple reports document that Dr. [REDACTED] determined Mr. [REDACTED] arm was broken, [6] no video or testamentary evidence exists on the record that Mr. [REDACTED] arm was broken prior to Sgt. Motyka's action now under scrutiny, and [7] no video or testamentary evidence exists on the record

⁵¹ Attachments 15 & 16—TRRs of Officers Tapling and Sherlock, pg. 2.

⁵² Dr. [REDACTED] determination is documented in Mr. [REDACTED] Arrest Report, the Original Case Incident Report, and the Tactical Response Reports of Sgt. Brownfield, Officer Tapling, and Officer Sherlock. COPA attempted to obtain Mr. [REDACTED] medical records from [REDACTED] Hospital, but the hospital denied COPA's administrative subpoena. Attachment 37— July 26, 2021 email from [REDACTED] Hospital.

⁵³ <https://www.merckmanuals.com/home/injuries-and-poisoning/fractures/overview-of-fractures>;
https://www.emedicinehealth.com/bone_fracture_broken_bone/article_em.htm

that Mr. ██████ arm sustained the break after Sgt. Motyka's action. Thus, by a preponderance of the evidence, COPA finds that Sgt. Motyka's forceful grabbing of Mr. ██████ arm resulted in the break diagnosed at ██████ Hospital later that night. Importantly, COPA has uncovered no evidence suggesting Sgt. Motyka intentionally broke Mr. ██████ arm. However, the sergeant's decision to pull on and manipulate Mr. ██████ right arm, even after other officers had pulled the arm tightly behind Mr. ██████ back, was both unreasonable and unnecessary. For these reasons, COPA finds Allegation #4 against Sgt. Motyka is **sustained** as a violation of Rules 2, 3, 6 and 9.

ii. Sgt. Brownfield

COPA finds that Sgt. Craig Brownfield forcefully grabbed ██████ arm without justification when he initiated Mr. ██████ takedown. Sgt. Brownfield told COPA he grabbed Mr. ██████ arm to place him into custody for assault, not to conduct a takedown. According to Sgt. Brownfield, Mr. ██████ assaulted him by assuming a bladed stance, closing the distance with him, waving his finger in his face, and shouting at him, putting him in fear of receiving a battery. However, the BWC evidence is clear that, although Mr. ██████ did raise his left index finger towards Sgt. Brownfield while stating, "Shut the fuck up talking to me," he did not take any action constituting an assault. In particular, Sgt. Brownfield's statement that Mr. ██████ closed the distance with him is disproven by the BWC video. The location and position of Mr. ██████ body and feet did not change in the moments prior to the takedown;⁵⁴ it was Sgt. Brownfield who reached out and grabbed Mr. ██████ left hand.

Additionally, Sgt. Brownfield's stated reason for initiating Mr. ██████ takedown—fear of receiving a battery—is undermined by Mr. ██████ conduct throughout the incident and by Sgt. Brownfield's own statements during the takedown. As discussed above, approximately one minute before the takedown, Mr. ██████ engaged in nearly identical behavior when he assumed a bladed stance, pointed his finger in Sgt. Brownfield's face, and shouted at the sergeant to "shut the fuck up" while he was speaking to Ms. ██████. Sgt. Brownfield responded with verbal commands rather than physical force, and Mr. ██████ did not batter Sgt. Brownfield. When Mr. ██████ repeated essentially the same behavior a second time, however, Sgt. Brownfield claimed it was an assault that placed him in fear of receiving a battery. Sgt. Brownfield attempted to differentiate between the two instances by pointing to the fact that Mr. ██████ was standing farther away from him the first time Mr. ██████ exhibited this behavior. Although this is true, the BWC videos reveal that the difference in distances was not significant, showing the men were approximately 4-5 feet apart in the first instance, and approximately 2-3 feet apart in the second instance. As a result, Sgt. Brownfield's statement that he feared Mr. ██████ was going to batter him the second time Mr. ██████ shouted and pointed his finger is not credible.

Indeed, Sgt. Brownfield's statements at the time of the takedown suggest he may have used force out of frustration with Mr. ██████ behavior, including the slow pace of Mr. ██████ departure from the residence. As Sgt. Brownfield grabbed Mr. ██████ arm and began pulling him down toward the living room floor, the BWC videos captured the sergeant angrily stating, "Get your fucking hands out of my fucking face!" and "We ain't doing this all night, ██████." Later, after the takedown and handcuffing, Sgt. Brownfield also remarked to Mr. ██████ "I don't

⁵⁴ See Attachment 13—PO Concannon BWC at 9:55-10:00.

know who the fuck you think you're talking to, like this is a fucking game or something?" Sgt. Brownfield's statements suggest the takedown resulted from impatience with Mr. ██████ disrespectful behavior, not a fear of receiving a battery. For all these reasons, COPA finds that Sgt. Brownfield forcefully grabbed ██████ arm without justification, in violation of Rules 2, 3, 6 and 9. Therefore, Allegation #3 against Sgt. Brownfield is **sustained**.

iii. Officer Tapling

COPA finds that Officer Adam Tapling forcefully grabbed ██████ arm without justification when he lifted Mr. ██████ from the living room floor by his broken right arm. The BWC evidence shows that Officer Tapling participated in Mr. ██████ takedown and handcuffing, and he was present when Mr. ██████ arm was broken. Officer Tapling himself acknowledged that he heard Mr. ██████ begin to scream and cry about the pain in his arm. Despite this, once the officers secured Mr. ██████ in handcuffs, Officer Tapling grabbed Mr. ██████ by his broken right arm and forcefully lifted him from the ground by that arm, causing Mr. ██████ to scream in pain. The evidence shows Officer Tapling had ample evidence Mr. ██████ arm was badly injured and that he was in significant pain; as such, his action of lifting Mr. ██████ from the floor by his arm was unreasonable and unnecessary. Therefore, COPA finds that Officer Adam Tapling grabbed ██████ arm without justification. His actions violated Rules 2, 3, 6 and 9, and Allegation #1 against Officer Tapling is **sustained**.

f. Failure to Complete a Tactical Response Report

COPA finds that Sgt. Jason Motyka failed to comply with General Order G03-02-02 when he failed to complete a Tactical Response Report. G03-02-02 requires that a TRR be completed for all use of force incidents involving a subject who is injured or alleges injury resulting from the member's use of a force option,⁵⁵ as well as all incidents involving a takedown.⁵⁶ BWC evidence clearly shows that Sgt. Motyka participated in Mr. ██████ takedown. Additionally, the videos reveal that Mr. ██████ injury occurred during the takedown, and Mr. ██████ made immediate and repeated claims to that effect. Thus, Department policy required Sgt. Motyka to complete a Tactical Response Report. His failure to do so violated Rules 5 and 6, and Allegation #5 against Sgt. Motyka is **sustained**.

g. Failure to Immediately Request Appropriate Medical Aid

COPA finds that Sgt. Craig Brownfield, Sgt. Jason Motyka, Officer Adam Tapling and Officer John Sherlock failed to immediately request appropriate medical aid for Mr. ██████ BWC evidence shows that all four members were present when Mr. ██████ repeatedly cried out in pain, screamed about his arm, and stated he was having a muscle spasm. All four members were also present when Mr. ██████ stated the muscle in his arm had become tight and his arm was broken. Additionally, during Mr. ██████ transport by Officers Perdomo and Sherlock—the latter of whom was present for the arm break—Mr. ██████ stated eight separate times that his arm was broken and four times that the handcuffs were very tight and hurting his arm.

⁵⁵ General Order G03-02-02(III)(A)(1)(a) (effective October 16, 2017 – February 28, 2020).

⁵⁶ *Id.* at (III)(A)(2)(d).

Under General Order G03-02, each of the four accused officers had a duty to immediately request appropriate medical aid for Mr. ██████████. That order provides, in relevant part, “Once the scene is safe and as soon as practical, whenever an individual is injured, complains of injury, or requests medical attention, Department members: 1) will immediately request appropriate medical aid for the injured person, including contacting emergency medical services (EMS) from the Chicago Fire Department via the Officer of Emergency Management and Communications (OEMC).”⁵⁷ The order further states that “[m]embers will treat injured persons, whether another officer, a member of the public, or a subject, with dignity and respect.”⁵⁸ Instead, the members brought Mr. ██████████ to the 009th District Station for processing before requesting aid. At 8:48 P.M., Sgt. Brownfield finally requested an ambulance, and paramedics reached Mr. ██████████ at 9:04 P.M., approximately 40 minutes after his arm was broken. The members’ decision to delay requesting medical aid for Mr. ██████████ violated the General Order and failed to treat Mr. ██████████ with dignity and respect.

Based on the foregoing, COPA finds that Sgt. Brownfield, Sgt. Motyka, Officer Tapling and Officer Sherlock failed to immediately request appropriate medical aid for ██████████. The members’ failures violated Rules 2, 3, 5 and 6, and Allegation #1 against Officer Sherlock, Allegation #2 against Officer Tapling, Allegation #5 against Sgt. Brownfield, and Allegation #6 against Sgt. Motyka are all **sustained**.

V. RECOMMENDED DISCIPLINE FOR SUSTAINED ALLEGATIONS

a. Sgt. Jason Motyka

i. Complimentary and Disciplinary History

In considering disciplinary recommendations for sustained findings, COPA reviewed Sgt. Motyka’s complimentary and disciplinary histories.⁵⁹ He has no sustained disciplinary history in the last five years.

ii. Recommended Penalty

COPA has found that Sgt. Motyka violated Rules 2, 3, 5, 6, 8, and 9. COPA finds Sgt. Motyka’s account is not credible, as it is inconsistent with the BWC videos and other evidence. The record is clear that Sgt. Motyka unnecessarily escalated the domestic incident by antagonizing Mr. ██████████ with “tit-for-tat” statements throughout the encounter, culminating in his use of racially derogatory and abusive language. Sgt. Motyka then used excessive force in Mr. ██████████ handcuffing, resulting in a broken arm for which Sgt. Motyka failed to immediately request medical attention. Additionally, Sgt. Motyka failed to activate his BWC or document his use of force in a TRR. Sgt. Motyka’s forceful grabbing of Mr. ██████████ arm—already pulled tightly behind his back by other officers—was unreasonable and unnecessary given the risk of harm to Mr. ██████████ and the lower level of force needed to effectively administer handcuffing. His statement, “Leave, boy. Leave, boy,” directed toward Mr. ██████████ an African American male, constituted race-based verbal abuse, bringing serious discredit upon the Department and his own standing as a public

⁵⁷ General Order G03-02(IV)(A)(1) (effective October 16, 2017 – February 28, 2020).

⁵⁸ *Id.* at (IV)(B).

⁵⁹ Attachment 51, pgs. 1-4.

servant. During his statement to COPA, Sgt. Motyka admitted the verbal abuse allegation and expressed genuine contrition for his conduct, demonstrating an understanding of the wrongfulness of racially abusive language. As a result, COPA finds that a penalty ranging from 180 days suspension to separation is appropriate for these sustained allegations.

b. Sgt. Craig Brownfield

i. Complimentary and Disciplinary History

In considering disciplinary recommendations for sustained findings, COPA reviewed Sgt. Brownfield's complimentary and disciplinary histories.⁶⁰ He has one sustained CR number in the last five years, for approving an inaccurate inventory. Sgt. Brownfield received a reprimand as a result of that incident.

ii. Recommended Penalty

COPA has found that Sgt. Brownfield violated Rules 2, 3, 5, 6, and 9. COPA finds Sgt. Brownfield's account is not credible, as it is inconsistent with the BWC videos and other evidence. The record is clear that Sgt. Brownfield used excessive force when he responded to Mr. ██████ raised finger and shouting by initiating a takedown, forcefully grabbing Mr. ██████ arm, and pulling him back into the apartment and down to the ground. Sgt. Brownfield was also present when Mr. ██████ arm was broken, and his failure to immediately request medical aid violated the General Order and its directive that injured persons be treated with respect and dignity. Additionally, Sgt. Brownfield's failure to report Sgt. Motyka's race-based verbal abuse fell far below the standards of accountability required of a sergeant and brought discredit upon the Department. For these reasons, COPA finds that a 30-day suspension is the appropriate penalty for these sustained allegations.

c. Officer Adam Tapling

i. Complimentary and Disciplinary History

In considering disciplinary recommendations for sustained findings, COPA reviewed Officer Tapling's complimentary and disciplinary histories.⁶¹ No complaints are registered against Officer Tapling, and he has received three reprimands in the last five years: two for preventable traffic accidents, and one for non-compliance with motor vehicle pursuit requirements.

ii. Recommended Penalty

COPA has found that Officer Tapling violated Rules 2, 3, 5, 6, and 9. The evidence shows that Officer Tapling was present when Mr. ██████ arm was broken, and he admitted he heard Mr. ██████ sustained screams and complaints about his arm. Officer Tapling then lifted Mr. ██████ from the floor by his injured arm, a patently unreasonable use of force against Mr. ██████. Additionally, his failure to immediately request medical attention for Mr. ██████ fell substantially

⁶⁰ Attachment 51, pgs. 5-8.

⁶¹ Attachment 51, pgs. 9-12.

below the requirements of the General Order and its directive that injured persons be treated with respect and dignity. For these reasons, COPA finds that a 15-day suspension is the appropriate penalty for these sustained allegations.

d. Officer John Sherlock

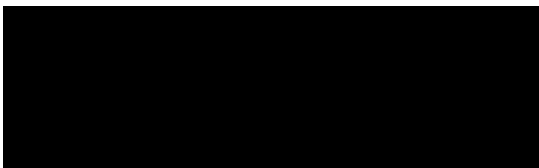
i. Complimentary and Disciplinary History

In considering disciplinary recommendations for sustained findings, COPA reviewed Officer Sherlock's complimentary and disciplinary histories.⁶² He has no sustained disciplinary history in the last five years.

ii. Recommended Penalty

COPA has found that Officer Sherlock violated Rules 2, 3, 5 and 6. COPA finds Officer Sherlock's account is credible, as it is consistent with the BWC videos and other evidence. The record is clear that Officer Sherlock was present when Mr. ██████ arm was broken, and he heard Mr. ██████ sustained screams, cries, and complaints about his arm. Officer Sherlock's failure to immediately request medical aid fell below the requirements of the General Order and its directive that injured persons be treated with respect and dignity. Officer Sherlock's misconduct is mitigated by his inexperience as a police officer, and by his demonstration of concern for Mr. ██████ wellbeing when he stopped Officer Ugarte from discharging his Taser. For these reasons, COPA finds that a 5-day suspension is the appropriate penalty for these sustained allegations.

Approved:



8/30/2021

Matthew Haynam
Deputy Chief Administrator – Chief Investigator

Date

⁶² Attachment 51, pgs. 13-16.

Appendix A

Assigned Investigative Staff

Squad#:	Six
Investigator:	Daniel Thetford
Supervising Investigator:	Steffany Hreno
Deputy Chief Administrator:	Matthew Haynam