

SUMMARY REPORT OF INVESTIGATION

Date/Time/Location of Incident:	May 31, 2020/ between 7:00 – 7:30 p.m./ 5300 S. Lake Park Avenue
Date/Time of COPA Notification:	June 1, 2020/ 4:09 p.m.
Involved Officer #1:	Zachary Girard; star #14595; employee ID [REDACTED]; Date of Appointment: February 2, 2015; Police Officer; Unit: 007/606; Male; White
Involved Officer #2:	Levon London; star #18659; employee ID [REDACTED]; Date of Appointment: January 17, 2017; Police Officer; Unit: 002/166; Male; Black
Involved Officer #3:	Victor Jurado; star #9392; employee ID [REDACTED]; Date of Appointment: June 27, 2016; Police Officer; Unit: 002; Male; Hispanic
Involved Officer #4:	Maximo Mora; star #7252; employee ID [REDACTED]; Date of Appointment: September 18, 2017; Police Officer; Unit: 002/231; Male; Hispanic
Involved Officer #5:	Lemonica Rider; star #9977; employee ID [REDACTED]; Date of Appointment: February 29, 2016; Police Officer; Unit: 002; Female; Black
Involved Officer #6:	Guillermo Gama, Jr.; star #17268; employee ID [REDACTED]; Date of Appointment: August 31, 2015; Police Officer; Unit: 010/193; Male; Hispanic
Involved Officer #7:	Sherrick Davis; star #12192; employee ID [REDACTED]; Date of Appointment: April 6, 2015; Police Officer; Unit: 007/214; Male; Black
Involved Officer #8:	Brandon Patrick; star #13433; employee ID [REDACTED]; Date of Appointment: February 23, 2015; Police Officer; Unit: 007/002; Male; Black
Involved Officer #9:	Aaron McClelland; star #9164; employee ID [REDACTED]; Date of Appointment: June 27, 2016; Police Officer; Unit: 002; Male; Black
Involved Individual #1:	[REDACTED] Male; Black

Involved Individual #2: ██████████ Male; Black
 Involved Individual #3: ██████████ Male; Black
 Involved Individual #4: ██████████ Male; Hispanic
 Case Type: Excessive Force

I. ALLEGATIONS

Officer	Allegation	Finding
Log# 2020-2142		
Officer Girard	1. Struck ██████████ with a baton without justification. 2. Failed to complete a Tactical Response Report documenting his use of force against ██████████	Sustained Sustained
Officer Jurado	1. Struck an unknown subject (now identified as ██████████) about the body with a baton without justification. 2. Failed to complete a Tactical Response Report documenting his use of force against an unknown subject (now identified as ██████████)	Sustained Sustained
Officer Rider	1. Struck ██████████ about the body with a baton without justification. 2. Failed to complete a Tactical Response Report documenting her use of use of force against ██████████	Sustained Sustained
Officer Gama	1. Struck ██████████ with a baton without justification. 2. Failed to complete a Tactical Response Report documenting his use of force against ██████████	Sustained Sustained
Log # 2020-2202		
Officer London	1. Struck ██████████ on the upper body with a baton without justification. 2. Struck ██████████ multiple times about the body with a baton without justification. 3. Punched ██████████ on the face without justification.	Sustained Sustained Sustained
Officer Mora	1. Struck ██████████ multiple times about the body with a baton without justification. 2. Failed to complete a Tactical Response Report documenting his use of force against ██████████	Sustained Sustained

Officer Rider	1. Struck [REDACTED] about the body with a baton without justification.	Sustained
	2. Failed to complete a Tactical Response Report documenting her use of force against [REDACTED]	Sustained

Log# 2020-2206

Officer Gama	1. Struck [REDACTED] with a baton without justification.	Sustained
	2. Failed to complete a Tactical Response Report documenting his use of force against [REDACTED]	Sustained
Officer Davis	1. Struck [REDACTED] with a baton without justification.	Not Sustained
	2. Failed to complete a Tactical Response Report documenting his use of force against [REDACTED]	Not Sustained
Officer Patrick	1. Struck [REDACTED] with a baton without justification.	Not Sustained
	2. Failed to complete a Tactical Response Report documenting his use of force against [REDACTED]	Not Sustained
Officer McClelland	1. Struck [REDACTED] with a baton without justification.	Sustained
	2. Struck [REDACTED] on the upper body without justification.	Exonerated
	3. Forcefully restrained [REDACTED] without justification.	Exonerated
	4. Placed his knee on [REDACTED] neck and/or shoulder area without justification.	Not Sustained
	5. Failed to complete a Tactical Response Report documenting his use of force against [REDACTED]	Sustained

II. BACKGROUND

This investigation into the misconduct of the involved Department members began on June 1, 2020, when Sgt. Velma Guerrero initiated a complaint on behalf of [REDACTED] COPA subsequently gathered Police Observation Device (POD) video, third-party video, and Body Worn Camera (BWC) video. While the video itself provided powerful evidence as to the misconduct in question, it did not include enough details to identify all the parties involved. Therefore, COPA utilized a combination of video enhancement, in depth interviews, requests for Departmental assistance, and careful review of Department records to identify both the officers and civilians involved. In total, COPA interviewed five civilian witnesses¹ and fifteen Department members, and served twenty-six allegations against nine accused members.²

¹ One of the interviews was conducted jointly by the FBI, the Cook County State's Attorney's Office, and COPA.

² Civil Suit # [REDACTED] was filed on behalf of more than sixty plaintiffs. The complaint references some of the allegations addressed in this report, in addition to other unrelated incidents. Log# 2020-2142, Attachment 78, pages 8 – 9 and 75 – 89.

During this investigation, COPA discovered that this series of events unfolded at the scene of a large-scale protest, both during and after the arrest of an individual named [REDACTED] (“Mr. [REDACTED]”). The following synopsis recounts the events after the first Department members sought to detain Mr. [REDACTED]. It includes a summary of the evidence COPA obtained and the ultimate outcome of this investigation.

III. SUMMARY OF EVIDENCE

On May 31, 2020, a large number of citizens attended a protest in Chicago’s Hyde Park neighborhood. There was a large police presence in the area to monitor the protest and deter looting at nearby businesses, which occurred throughout Chicago the night before and during the morning of the incident. Shortly after 7:00 p.m., an altercation occurred between officers and two unknown citizens near 5300 S. Lake Park Avenue.³ As the officers pushed the citizens back with batons, other citizens intervened, including Mr. [REDACTED].⁴ A skirmish ensued, with Mr. [REDACTED] and officers ending up on the sidewalk.⁵ As Mr. [REDACTED] stood up, Officer Maximo Mora pushed him backwards with his baton.⁶ Officer Levon London (“Officer London”) then forcefully pushed Mr. [REDACTED] about the neck and/or upper chest with his baton. Mr. [REDACTED] punched Officer London on the face and fled down the sidewalk. An unknown officer tripped Mr. [REDACTED] who stumbled and fell into the middle of the street. Multiple officers, including Officers London and Mora, then converged on Mr. [REDACTED] and repeatedly struck him with their batons. As citizens attempted to pull Mr. [REDACTED] away from the officers, Mr. [REDACTED] stood up and ran toward a nearby car. Officers continued striking Mr. [REDACTED] with batons, and they eventually pushed Mr. [REDACTED] to the ground and placed him into custody. When Mr. [REDACTED] protested the basis of his arrest, Officer London responded, “You fucking punched me,” then punched Mr. [REDACTED] on the face.⁷

A male, later identified as [REDACTED] grabbed Mr. [REDACTED] legs and attempted to pull him away from the officers. In response, Officers Victor Jurado, Lemonica Rider, and others struck [REDACTED] in the shoulder, head, and neck area with batons.⁸ Protesters began chanting for officers to release Mr. [REDACTED]. Officers eventually escorted Mr. [REDACTED] through the crowd and transported him to the station, where he was charged with Disorderly Conduct and Aggravated Battery to a Peace Officer.⁹

Multiple skirmishes erupted between officers and citizens following Mr. [REDACTED] arrest.¹⁰ In one such skirmish, Officers Guillermo Gama, Jr. and Aaron McClelland struck a male, now identified as [REDACTED] with batons as he lay on the ground.¹¹ A second male¹² tried to drag

³ The altercation was captured on numerous officers’ body worn cameras. See Log# 2020-2142, Attachment 41, Officer Mora’s BWC at 19:05:00; Officer London’s BWC at 19:05:35; Officer McClelland’s BWC at 19:05:47.

⁴ [REDACTED] was wearing a yellow hooded sweatshirt, khaki pants, a blue baseball cap and black shoes.

⁵ See Log# 2020-2142, Attachment 41, Sgt. Shrake’s BWC at 19:05:36.

⁶ See Log# 2020-2142, Attachment 41, Officer Mora’s BWC at 19:05:47.

⁷ See Log# 2020-2142, Attachment 41, Officer London’s BWC at 19:06:34.

⁸ See Log# 2020-2142, Attachment 41, Officer London’s BWC at 19:06:43; Officer Mora’s BWC at 19:06:38. [REDACTED]

[REDACTED] was wearing a gray sweatshirt, dark-colored pants and red shoes.

⁹ See Log# 2020-2142, Attachment 12.

¹⁰ See Log# 2020-2142, Attachment 41, Officer McClelland’s BWC at 19:13:30.

¹¹ It is not clear from the BWC how [REDACTED] ended up on the ground.

¹² Possibly [REDACTED] CB# [REDACTED]. See Log# 2020-2142, Attachment 30.

away from the officers. stood up but was quickly taken down by officers. then intervened and apparently tried to pull away, but he was also struck by batons. Officers separated and an unknown female who was on the ground holding onto Officer McClelland placed his knee across upper back and held him against the ground, urging to give him his hands. Officer McClelland eventually handcuffed with the assistance of Officer Ronald Pendleton. Officers escorted to a Department vehicle and transported him to the station, where he was charged with Disorderly Conduct.¹³

a. Interviews and Documentary Evidence

In a statement to COPA,¹⁴ said he was going for a walk in his neighborhood when he observed Mr. running from police officers. Multiple officers chased and struck Mr. who tripped and fell into the street. then observed four or five officers strike Mr. with batons, “just whaling away on him.”¹⁵ The scene became tense and chaotic, as there were masses of protesters and police officers on scene. reported that many of the officers were excessive in their interactions with the crowd, and attempted to mediate the situation.¹⁶ The officers pushed the crowd and ordered them to move back. told one of the officers, whom he referred to as Officer “Geraud” from the 7th District/Englewood station, subsequently identified as Officer Zachary Girard,¹⁷ “Come on. You don’t have to push us like this.”¹⁸ Officer Girard then struck five times on his legs with his baton.¹⁹ At that point, told Officer Girard he was going to obtain a CR (complaint register) number against him.

told COPA he also witnessed other officers striking citizens with batons, including.²⁰ Additionally, he saw an officer strike a young man in the head with a baton approximately six times. noted that a male in a gray shirt, now identified as was bleeding profusely from the head and one of his back teeth was hanging out of his mouth. requested medical attention for and eventually a fire truck arrived at the scene. himself sustained bruising and swelling to both legs, and one leg was injured to the point that he could not walk home and had to call for a ride.

¹³ See Log# 2020-2142, Attachment 115.

¹⁴ Log# 2020-2142, Attachments 33, 48.

¹⁵ Log# 2020-2142, Attachment 33, page 21, line 3.

¹⁶ At 19:06:48, Officer London’s BWC showed addressing officers while wearing a black sweatshirt with red letters, dark pants, a gray baseball cap, and a face mask. At 19:08:18, Officer Mora’s BWC captured instructing an officer to call an ambulance for who was bleeding profusely from the head. See Log# 2020-2142, Attachment 41.

¹⁷ Officer Girard was assigned to Area One Saturation Team on the date of this incident, but prior to May 2020, he was assigned to the 7th District for most of his career.

¹⁸ Log# 2020-2142, Attachment 33, page 5, lines 19-20.

¹⁹ Officer Girard struck four times on the right leg and once on the left leg.

²⁰ The incident with occurred just before officers placed into custody.

In a subsequent joint interview with the FBI, Cook County State's Attorney, and COPA, ██████ provided an account consistent with his statement to COPA. ██████ added that following the incident, he consulted with his neighbor, a doctor, regarding his injuries.²¹

In a statement to COPA,²² **Chief of Patrol Fred Waller** said on the date of incident, he received a message from the Superintendent of Police instructing him to call ██████²³ Chief Waller called ██████ who related that an officer had struck him and several other people during a protest in Hyde Park. Chief Waller drove to the area and met ██████ near 53rd Street and Lake Park. ██████ related that an officer struck him three times in the leg with a baton, and Chief Waller observed that ██████ had a slight limp and appeared to be in pain. ██████ gave Chief Waller the officer's name and description. Chief Waller then drove ██████ home, and he subsequently instructed a sergeant to initiate a complaint register number on ██████ behalf.

When asked about Department's protocol regarding Tactical Response Reports (TRRs) during the protests/civil unrest,²⁴ Chief Waller said that some police supervisors and rank and file members had the misconception that officers were not required to complete individual TRRs, and that one general TRR would cover all involved officers; however, that perception was inaccurate.²⁵

An **Initiation Report**²⁶ documents that on June 1, 2020, a CPD sergeant initiated a complaint on ██████ behalf, alleging that Officer Girard struck ██████ on the leg three times with a baton.

In a statement to COPA,²⁷ **Officer Zachary Girard** said he and his partner responded to a request for officer assistance following reports of an officer down, and officers surrounded by a large group of citizens. Once on scene, Officer Girard observed officers and an arrestee, later identified as Mr. ██████ surrounded by a large group of protesters. Officer Girard and other officers made their way through the group and formed a barrier to protect Mr. ██████ and the arresting officers.²⁸ The officers were ordered to break through the crowd so they could escort Mr. ██████ to the squad car. Officer Girard ordered the crowd to move back and disperse, but the crowd ignored the verbal commands. At that point, Officer Girard and a line of officers held their batons horizontally with both hands, at approximately chest height, and pushed the crowd back.²⁹ During this process, Officer Girard recalled pushing a female with his baton.³⁰ The female fell

²¹ Log# 2020-2142, Attachment 133.

²² Log# 2020-2142, Attachments 4 and 57.

²³ ██████ is currently the president of the Chicago Police Board, which decides disciplinary matters involving allegations of serious misconduct against Department members.

²⁴ Specifically, the period between May 28 – 31, 2020.

²⁵ Chief Waller did not know where the misinformation originated.

²⁶ Log# 2020-2142, Attachment 1.

²⁷ Log# 2020-2142, Attachments 9, 34-37.

²⁸ Officer Girard described this as a half-circle with officers standing to his left and right, facing the crowd with Mr. ██████ and officers behind them.

²⁹ Officer Girard said he generally pushes people in the torso area with the baton to move them back. Log# 2020-2142, Attachment 9, page 37, lines 1-4.

³⁰ Officer Girard did not recall where on the body his baton made contact with the female.

backwards into a male, whom he now knows was ██████████³¹ The female then attempted to take the baton out of Officer Girard's hand, but the officer took his baton back.³² ██████████ pointed at Officer Girard and said he would put a CR on him. Officer Girard said he did not remember striking ██████████ with the baton, and if he did, it was "incidental."³³

Officer Girard acknowledged he did not complete a TRR regarding either ██████████ or the female. Officer Girard did not believe a TRR was required for his contact with the female, as he only used his baton to push her and others back and create space. No one on scene accused him of striking them with a baton. Officer Girard did not believe he took any actions that warranted the completion of a TRR. Additionally, the officer said it was his understanding that during the protests/riots, blanket TRRs³⁴ would be completed. Officer Girard based this assertion on his experience and past practice.³⁵ He clarified that no one on this date specifically told him not to complete a TRR.

In a statement to COPA,³⁶ ██████████ a physician in internal medicine, said on or after May 31, 2020,³⁷ his neighbor ██████████ asked him to examine an injury he sustained approximately two days earlier. ██████████ told Dr. ██████████ that he tried to deescalate and mediate a standoff between protesters and officers in Hyde Park. ██████████ explained that as officers used a technique to quickly move the crowd off the street, an officer struck him multiple times on his shins and the back of his legs to get him to move. ██████████ had experienced pain since the incident and wanted to know if he should seek additional medical attention. Dr. ██████████ observed swelling and bruising to ██████████ legs, including redness and darkening of his normal skin texture. Dr. ██████████ recalled that the front of one of ██████████ legs was swollen on the shin surface, and one leg was more swollen than the other. Dr. ██████████ said ██████████ leg injury was traumatic and his injuries were consistent with baton strikes. Dr. ██████████ urged ██████████ to seek additional medical attention if the redness or pain increased.

In a statement to COPA,³⁸ ██████████ said that during a standoff between protesters and officers, his friend ██████████ was struck with nightsticks by multiple officers. When ██████████ yelled at the officers to stop, officers then struck ██████████ multiple times on his head with nightsticks. ██████████ also witnessed his friend, ██████████ being slammed to the ground. ██████████ and others chanted for the officers to release Mr. ██████████ Unknown officers then struck ██████████ again. Moments later, ██████████ observed an officer on top of his friend, ██████████ with a knee on ██████████ neck. ██████████ denounced the officer's actions, yelling, "You can't do this!" Officers³⁹

³¹ Officer Girard did not remember what part of the female's body made contact with Mr. ██████████ but he believes Mr. ██████████ caught the female when she fell back. Log# 2020-2142, Attachment 9, page 37, lines 23-24 – page 38, lines 1-4.

³² Officer Girard did not recall if this occurred before or after he pushed the female with his baton.

³³ Log# 2020-2142, Attachment 9, page 30, lines 12-23.

³⁴ Covering all cases or instances where officers used force.

³⁵ Officer Girard stated blanket TRRs were completed for a downtown protest that occurred one to two weeks prior to this incident, as well as other events including the Cup and World Series.

³⁶ Attachments 2 and 56.

³⁷ Dr. ██████████ did not remember the exact date but said it was during the time that they had demonstrations and looting incidents in the Hyde Park area.

³⁸ Log# 2020-2142, Attachment 53.

³⁹ ██████████ could not describe any of the officers who physically maltreated him.

then struck █████ multiple times about his head, legs, and body with nightsticks, and they pulled him away from █████ said he had no recollection of intervening in the arrest of Mr. █████ or █████ He sustained bruising to his legs and buttocks and multiple lacerations to his head. He sought medical treatment at the University of Chicago Hospital, where he was diagnosed with a concussion and received seven staples to his head.⁴⁰

In a statement to COPA,⁴¹ █████ said that during the protest, he observed officers pushing and jabbing four women with their shields.⁴² █████ stood between the women and the officers to create distance. An unknown male officer placed his baton against the top of █████ body, causing █████ to trip and fall to the ground. Officers also pushed █████ partner, █████ pulled █████ to the ground to break her fall and rolled on top of her to protect her. The unknown male officer who pushed █████ then plunged his baton into the side of █████ body three to six times.

A short time later, officers detained Mr. █████ near the corner of 53rd Street and Lake Park. █████ and other protesters linked arms and chanted, "Let him go."⁴³ The officers pushed through the crowd as they prepared to bring Mr. █████ to a squad car. A group of officers knocked █████ to the ground and struck him with batons in both a swinging and jabbing manner. █████ tried to get away from them, but an officer slammed him to the ground. Officers pressed █████ face against the asphalt and one of the officers placed his knee on █████ neck. The officers then arrested █████ and brought him to a squad car. █████ could not identify the officers but said the officers who transported him to the station were part of the group of officers who battered him. █████ sustained a contusion on his nose, abrasions on his forehead, swelling and bruising on his head, and scratches on his arm.

In a statement to COPA,⁴⁴ **Officer Levon London** said he and other officers⁴⁵ responded to a radio call of looting in progress near LA Fitness and Sephora. As they approached the scene, they learned that an unknown supervisor was either pushed out of the store or fell trying to stop looters and was injured. Officer London observed approximately thirty to forty officers on scene and two or three subjects being placed into custody. He heard yelling and pushed his way through the crowd toward the commotion. Officer London observed a male, now identified as █████⁴⁶ push an unknown sergeant while attempting to bypass officers. Officer London turned his baton sideways, parallel to his chest, and pushed Mr. █████ with the baton to create distance between Mr. █████ and the sergeant. The baton struck Mr. █████ arms and chest area. Mr. █████ then punched Officer London on the mouth and fled on foot.

⁴⁰ █████ description of his injuries is consistent with his medical records, which document that he sustained two lacerations to the head requiring staples, and he returned to the hospital two days later complaining of worsening dizziness, nausea, and vomiting due to a concussion. See Log 2020-2142, Attachment 75.

⁴¹ Log# 2020-2142, Attachment 121

⁴² █████ refused to provide any additional information regarding the women.

⁴³ Log# 2020-2142, Attachment 121, page 1.

⁴⁴ Log# 2020-2142, Attachments 105, 112

⁴⁵ Curtis Weathersby, Eric Laster, and Sgt. Charlie Johnson

⁴⁶ Efforts to obtain an interview from █████ were unsuccessful.

Officer London gave chase, and Mr. ██████ fell to the ground and flailed his arms and legs. Officer London believed Mr. ██████ would kick or strike him, as Mr. ██████ had just punched him.⁴⁷ Additionally, Officer London reported that an unknown officer, who was holding Mr. ██████ sweatshirt, was also within striking distance of Mr. ██████⁴⁸ As a result, Officer ██████ struck Mr. ██████ on the leg with his baton in an attempt to place him in custody. Mr. ██████ stood up and ran, and someone in the crowd grabbed Mr. ██████ sweatshirt and tried to pull him away from the officers. Mr. ██████ swung his arms and elbows backward as he ran, so Officer London again struck Mr. ██████ with his baton, making contact with Mr. ██████ shoulder or back area. Mr. ██████ then fled into the street, flailing his arms and swinging his elbow backward in the direction of Officer London and the officer who was holding Mr. ██████ sweatshirt.⁴⁹ Fearing Mr. ██████ would strike the officers, Officer London again struck Mr. ██████ with his baton.⁵⁰ People in the crowd repeatedly tried to intervene, and Mr. ██████ again attempted to flee. Officer London pushed him to the ground. Other unknown officers also struck Mr. ██████ with batons. As several officers stood over Mr. ██████ attempting to handcuff him, Mr. ██████ resisted and refused to give them his hands. Officer London approached Mr. ██████ and punched him on the left side of his face so he would relinquish his hands, and Mr. ██████ complied.⁵¹ Officer London reported that three to five unknown officers⁵² also struck Mr. ██████ with batons during the incident.

In a statement to COPA,⁵³ **Officer Victor Jurado** said he and his partner, Officer Calvin Najarro, responded to a call of an officer in need of assistance. Supervisors instructed the responding officers to push the crowd of protesters back. Officer Jurado and other officers ordered the crowd to move back and used their batons to push back those who were defiant.⁵⁴ Officer Jurado assisted in apprehending Mr. ██████ after he punched Officer London and fled. Officer Jurado said Mr. ██████ threw punches and kicked while he was on the ground, including kicking Officer Jurado in his vest area.⁵⁵ Officer Jurado struck Mr. ██████ on his legs with his baton to gain control.⁵⁶ Officer Jurado explained that he jabbed Mr. ██████ with the baton, which is less

⁴⁷ Officer London reviewed his BWC during his statement and pointed to timestamps 19:06:02 – 19:06:05 (01:44 – 01:47 minutes into the recording) as a moment when Mr. ██████ attempted to strike him and other officers with his arms. See Log# 2020-2142, Attachment 41, BWC of Officer London.

⁴⁸ Log# 2020-2142, Attachment 105, page 63, lines 11-24

⁴⁹ Log# 2020-2142, Attachment 105, page 65, lines 11-14.

⁵⁰ Mr. ██████ was leaning against a car when this baton strike happened. After Mr. ██████ was in custody, BWC video captured him yell to Officer London, “You hit me in the face with your baton.” Log# 2020-2142, Attachment 41, Officer McClelland’s BWC at 19:09:48.

⁵¹ Log# 2020-2142, Attachment 105, page 46, lines 6-9. As the officers attempted to handcuff Mr. ██████ BWC captured Mr. ██████ protest that he “wasn’t doing anything.” Officer London responded, “You fucking punched me,” as he simultaneously punched Mr. ██████ on the face. Log# 2020-2142, Attachment 41, Officer London’s BWC at 19:06:34.

⁵² Officer London did not know which other officers deployed their batons, as officers from different units were present, and some wore helmets and were unrecognizable.

⁵³ Log# 2020-2142, Attachments 3, 58.

⁵⁴ Officer Jurado described this as holding each end of the baton with one hand, horizontally, parallel to his chest.

⁵⁵ Officer Jurado viewed Officer Mora’s BWC during his interview and acknowledged that he did not see Mr. ██████ kick him at that point in the BWC. Officer Jurado’s attorney noted that Mr. ██████ kicked Officer Jurado a few seconds later in the video. Log# 2020-2142, Attachment 41, and Attachment 58, page 51, lines 5-10

⁵⁶ See Log# 2020-2142, Attachment 41, Officer Mora’s BWC at 19:06:21. Officer Jurado is wearing a helmet bearing #9392.

force than a typical baton strike, because Mr. ██████ tried to defeat the arrest and refused to be handcuffed.⁵⁷ An unknown citizen pulled Officer Jurado's vest from behind and told him to stop hitting Mr. ██████ then approached Officer Jurado from behind, crouched down, and tried to pull Mr. ██████ away from the officers.⁵⁸ Upon viewing BWC during his statement, Officer Jurado acknowledged that he struck ██████ multiple times with his baton to stop ██████ from interfering with Mr. ██████ arrest.⁵⁹

Officer Jurado said he believes that Department policy authorizes officers to use an impact weapon/baton on active resisters or assailants.⁶⁰ ██████ became an assailant when he grabbed Mr. ██████ and tried to pull him away from the officers.⁶¹ Officer Jurado acknowledged he could have used less force against ██████ but the incident transpired quickly, ██████ was directly behind and/or underneath him, and the officer's baton was already in his hand. Officer Jurado said he aimed to strike ██████ arms so he would release Mr. ██████ however, he realized from the BWC video that he struck ██████ on his shoulder, which he attributed to ██████ moving.⁶² Officer Jurado did not complete a TRR for his contact with ██████ because various supervisors said that, due to the large number of riots occurring in the city, a blanket TRR would be completed to document any force used during these incidents to prevent officers from having to go to the station to complete them.⁶³

In a statement to COPA,⁶⁴ **Officer Maximo Mora** stated that he used his baton to push Mr. ██████ and others back after a lieutenant was injured.⁶⁵ Officer Mora also chased Mr. ██████ after Mr. ██████ struck Officer London on the face and fled. An unknown officer tripped Mr. ██████ causing him to fall. Mr. ██████ became deadweight, lifted his hands and legs off the ground, and swung his feet at the officers. Officer Mora said he struck Mr. ██████ two or three times with a baton because Mr. ██████ was an assailant and Officer Mora believed he might kick him or another officer. Upon reviewing his BWC video, however, Officer Mora acknowledged Mr. ██████ was not in a position to kick him at the time he struck Mr. ██████ with his baton.⁶⁶ Officer Mora then revised his description of Mr. ██████ admitting that Mr. ██████ was a passive or active resister—not an assailant—when he struck him with his baton.⁶⁷ He stated that an unknown protester grabbed Mr. ██████ sweatshirt and attempted to pull him away from the officers. Officer Mora attempted to strike that subject on the arm but did not believe his baton strike landed. Mr. ██████ again fled, causing Officer Mora to give chase and grab Mr. ██████ by

⁵⁷ Log# 2020-2142, Attachment 58, page 57, lines 14-17.

⁵⁸ Officer Jurado did not recall whether ██████ was the same person who pulled his vest and told him to stop hitting Mr. ██████

⁵⁹ Log# 2020-2142, Attachment 58, page 26, line 11 – page 27, line 9. See Log# 2020-2142, Attachment 41, Officer Mora's BWC at 7:06:39. ██████ is wearing a gray sweatshirt, dark pants and red shoes.

⁶⁰ Log# 2020-2142, Attachment 58, page 45, line 21 – page 46, line 5.

⁶¹ Log# 2020-2142, Attachment 58, page 56, line 6 – page 57, line 2.

⁶² Log# 2020-2142, Attachment 58, page 29, line 7 – page 30, line 9.

⁶³ There were at least five supervisors in the office each day, so Officer Jurado did not recall which supervisors provided the direction. Log# 2020-2142, Attachment 58, page 31, lines 1-7.

⁶⁴ Log# 2020-2142, Attachments 110, 114. Officer Mora's partner was Officer Jacqueline Ho.

⁶⁵ See Log# 2020-2142, Attachment 41, Officer Mora's BWC at 19:05:47.

⁶⁶ See Log# 2020-2142, Attachment 41, Officer Mora's BWC at 19:05:53—cited as 7:07:53 in Officer Mora's interview. COPA notes that in Officer Mora's statement, the BWC time referenced is two minutes later than the time stamp from the actual footage. This is likely due to viewing the video on a different platform during the statement.

⁶⁷ Log# 2020-2142, Attachment 114, page 38, line 8 – page 39, line 15.

the sweatshirt. Officers apprehended Mr. [REDACTED] and were immediately surrounded by protesters. Officer Mora explained he did not complete a TRR following his contact with Mr. [REDACTED] for essentially the same reasons provided by Officer Jurado.

In a statement to COPA,⁶⁸ **Officer Lemonica Rider** said she observed Officer London and other officers chasing Mr. [REDACTED] and she also gave chase.⁶⁹ Mr. [REDACTED] went to the ground and folded his arms underneath his body.⁷⁰ Officers then struck Mr. [REDACTED] with batons so he would give them his hands. Officer Rider also struck Mr. [REDACTED] multiple times with her baton.⁷¹ She characterized Mr. [REDACTED] as an assailant because he fled from the police and made movements to avoid physical control.⁷² Additionally, Mr. [REDACTED] incited the crowd to help him escape.⁷³ Officer Rider recalled that someone wearing a black shirt, possibly a Hispanic male, grabbed Mr. [REDACTED] collar while on the ground. Officer Rider had no recollection of [REDACTED] and did not recall striking any other citizens with her baton. She viewed BWC footage during her interview and said she likely swung her baton at [REDACTED] but did not believe she made contact. Officer Rider said she never intended to strike [REDACTED] and if she did it was an accident.⁷⁵ Officer Rider did not complete a TRR regarding her use of force against Mr. [REDACTED] because she understood there would be mass arrests, which meant a blanket TRR would be completed.⁷⁶ She did not complete a TRR regarding [REDACTED] because she did not know she struck him, and again referenced the blanket TRR.

In a statement to COPA,⁷⁷ **Sgt. Michael Shrake** stated his team was assigned to maintain order during the Hyde Park protest. Department members received authorization to follow mass arrest protocols and use a blanket Records Division (RD)/ Case Report number to document riot or looting-related incidents that occurred during a specific time frame.⁷⁸ Additionally, a blanket TRR was to be used for incidental contact where there was no obvious injury and no secondary RD number generated. Sgt. Shrake said multiple incidents transpired during his shift on the date of incident. He recalled that, as he and other officers marched with protesters, Mr. [REDACTED] cursed at and disrespected officers, and ultimately punched Officer London on the face. Mr. [REDACTED] then fled, flailed his arms, pulled away, refused verbal direction, and pushed officers as Sgt. Shrake and officers attempted to place him into custody. Other citizens intervened, interfered, and tried to help Mr. [REDACTED] escape. Sgt. Shrake diverted his attention from Mr. [REDACTED] and pushed the crowd back to create space. Sgt. Shrake did not observe officers apprehend Mr. [REDACTED] and did not know whether officers used force against him.

⁶⁸ Log# 2020-2142, Attachments 103, 108, 111.

⁶⁹ Officer Rider is depicted on Officer London's BWC at 19:06:21 in the center of the screen, holding a raised baton in her left hand, and wearing a helmet bearing #16367—her former star number.

⁷⁰ Officer Rider did not know how Mr. [REDACTED] ended up on the ground.

⁷¹ See Log# 2020-2142, Attachment 41, Officer McClelland's BWC at 19:06:27; Officer London's BWC at 19:06:22.

⁷² Log# 2020-2142, Attachment 103, page 28, lines 6-8; page 30, lines 14-15.

⁷³ Log# 2020-2142, Attachment 103, page 31, line 10 – page 32, line 8.

⁷⁴ See Log# 2020-2142, Attachment 41, Officer London's BWC at 19:06:45.

⁷⁵ See Log# 2020-2142, Attachment 103, page 43, lines 3-15.

⁷⁶ Officer Rider believed this information came from the detectives or a supervisor.

⁷⁷ Log# 2020-2142, Attachments 60-61, 100.

⁷⁸ Sgt. Shrake did not remember specifically who authorized mass arrests, but said the order likely came from a Deputy or above.

In a statement to COPA,⁷⁹ **Officer Aaron McClelland** stated that Officer London and other officers struck Mr. [REDACTED] with batons as he fled and while he was on the ground,⁸⁰ after Mr. [REDACTED] punched Officer London on the face. Mr. [REDACTED] resisted arrest and refused to surrender his hands as Officer McClelland tried to handcuff him. Officer McClelland repeatedly told Mr. [REDACTED] to give him his hands, but Mr. [REDACTED] flailed and tried to escape. After a brief struggle, Officer McClelland handcuffed Mr. [REDACTED] with zip ties. Multiple civilians, including [REDACTED] tried to intervene and pull Mr. [REDACTED] away from the officers. Officer McClelland then struck [REDACTED] left arm with his baton two or three times.⁸¹ [REDACTED] grabbed at Officer McClelland's baton, causing the officer to put away his baton and pull [REDACTED] to the ground. As [REDACTED] resisted, Officer McClelland pushed [REDACTED] head down and tried to grab his arm. Officer McClelland struggled with [REDACTED] for approximately three to five minutes before successfully handcuffing him. Aside from striking [REDACTED] on the arm with his baton, Officer McClelland did not recall striking [REDACTED] on the upper body, but he acknowledged it was possible. Officer McClelland also acknowledged that he forcefully restrained [REDACTED] to place him in custody, but he denied placing his knee on [REDACTED] neck and/or shoulder.

Officer McClelland did not complete a TRR because his supervisor explained that the detectives would complete any TRRs and Arrest Reports on behalf of officers. He added that he and other officers arrested 30 – 40 people that day, and he did not know [REDACTED] identity at the time. Officer McClelland could not identify any of the other officers who assisted in [REDACTED] arrest.

In a statement to COPA,⁸² **Officer Guillermo Gama, Jr.**⁸³ said he recalled helping an officer escort a male arrestee to a police vehicle during the protest; however, he did not recall having physical contact with any citizens on scene.⁸⁴ Officer Gama initially denied striking [REDACTED] with a baton. Upon reviewing Officer McClelland's BWC video, Officer Gama acknowledged that he swung his baton in [REDACTED] direction while [REDACTED] was on the ground.⁸⁵ He did not recall whether he struck [REDACTED] with the baton. Officer Gama could not recall why he swung his baton at [REDACTED] as he did not recall what occurred outside of the camera frame.⁸⁶

Officer Gama acknowledged he struck [REDACTED] with his baton,⁸⁷ but he explained that [REDACTED] forcefully tried to free [REDACTED] and was therefore an assailant.⁸⁸ Officer Gama did not complete a TRR regarding [REDACTED] because he did not believe he struck him. Officer Gama said he forgot

⁷⁹ Log# 2020-2142, Attachments 120, 122.

⁸⁰ Officer McClelland did not know which other officers struck Mr. [REDACTED] with batons.

⁸¹ See Log# 2020-2142, Attachment 41, Officer McClelland's BWC at 19:13:50.

⁸² Attachments 84, 101.

⁸³ Officer Gama is depicted on Officer McClelland's BWC at 19:14:21. He is wearing a blue, short-sleeve uniform shirt with a long-sleeve dark blue shirt underneath and a helmet.

⁸⁴ Officer Gama did not recall the names of the officer or arrestee but said both were African American males. He did not recognize Mr. [REDACTED] or [REDACTED] from their arrest photos.

⁸⁵ See Log# 2020-2142, Attachment 41, BWC of Officer McClelland at 19:13:59. [REDACTED] is wearing long dreadlocks, a black sweater and black pants, and is on the ground.

⁸⁶ Log# 2020-2142, Attachment 101, page 42, line 4 – page 43, line 20.

⁸⁷ See Log# 2020-2142, Attachment 41, BWC of Officer McClelland at 19:14:17. [REDACTED] is depicted on Officer McClelland's BWC at 19:14:16. He is wearing a gray sweater and red shoes and is on the ground.

⁸⁸ Log# 2020-2142, Attachment 101, page 43, line 21 – page 45, line 18.

to complete a TRR to document his contact with [REDACTED] because a lot transpired during the incident, and he worked long hours including his days off.⁸⁹ Officer Gama added that prior to seeing the BWC video, he did not recall using his baton.

In a statement to COPA,⁹⁰ **Officer Ronald Pendleton** stated that, as he responded to a call for officer assistance, he observed police officers striking Mr. [REDACTED] with batons.⁹¹ Mr. [REDACTED] was curled up, on the ground, in the middle of the street. At the time, Officer Pendleton did not know what led to this interaction, but he later learned that Mr. [REDACTED] had hit Officer London. Officer London was also present but Officer Pendleton did not see him strike Mr. [REDACTED] with a baton. After an officer handcuffed Mr. [REDACTED] a subject now identified as [REDACTED] grabbed Mr. [REDACTED] leg or arm and tried to pull him away from the officers. Several officers then struck [REDACTED] with a baton, and [REDACTED] ended up on the ground. The officers tried to handcuff [REDACTED] but he placed his hands underneath his body. Officer Pendleton recalled that a young woman was also on top of [REDACTED] trying to shield him from the officers. Officer Pendleton got on the ground with [REDACTED] and encouraged [REDACTED] to let him handcuff him. He reassured [REDACTED] they would work everything out at the police station. At that point, Officer Pendleton was able to handcuff [REDACTED] and assist him off the ground and into the squad car.

In statements to COPA,⁹² **Officers Sherrick Davis** and **Brandon Patrick** said they transported [REDACTED] to the station after he was placed into custody by other officers. They did not know the circumstances of [REDACTED] arrest, other than he was charged with Disorderly Conduct.⁹³ Both officers denied striking [REDACTED] with a baton or using any force against him; therefore, they did not complete any TRRs. Officer Davis added that he did not have a baton or asp with him at the time of incident, and Officer Patrick believed his baton was in the squad car. The officers did not recall observing any other Department members strike [REDACTED] with a baton or use force against him. They observed injuries to [REDACTED] face but did not know how he sustained them, and [REDACTED] declined medical attention. Officers Davis and Patrick said they did not witness Mr. [REDACTED] arrest.⁹⁴

During the COPA statements⁹⁵ of **Sgt. Gregory Bagnall** and **Sgt. Kevin Rake**, the sergeants recalled that a male was arrested during the protest, but they could not provide further information regarding the male's identity or what led to the arrest. Neither sergeant recalled observing officers use force against the arrestee.

⁸⁹ Log# 2020-2142, Attachment 101, page 49, line 15 – page 50, line 2.

⁹⁰ Log# 2020-2142, Attachments 98, 109.

⁹¹ Officer Pendleton was working with Officer Kendall Brown and Sgt. Shrake. He did not know the officers who struck Mr. [REDACTED]

⁹² Log# 2020-2142, Attachments 81, 82, 104, 106.

⁹³ Officers Davis and Patrick were identified as accused officers based on [REDACTED] statement that the officers who transported him to the station were part of the collective group of officers who battered him. Log# 2020-2206, Attachment 2.

⁹⁴ Officer Davis added that he placed an individual named [REDACTED] into custody for Disorderly Conduct. See Log# 2020-2142, Attachment 30.

⁹⁵ Log# 2020-2142, Attachments 79-80, 99, 102, 113. Sgt. Bagnall is captured on Officer McClelland's BWC video at 19:07:49, while Sgt. Rake is captured on Officer London's BWC video at 19:05:02 and 19:06:34, as well as Officer McClelland's BWC video at 19:06:49.

In a statement to COPA,⁹⁶ **Officer Salvador Villanueva** said he assisted Officer McClelland in handcuffing someone, possibly Mr. [REDACTED]. Officer Villanueva could not add any further information.⁹⁷

In a **Tactical Response Report**,⁹⁸ Officer London documented that Mr. [REDACTED] did not follow verbal directions, stiffened, pulled away, fled, posed an imminent threat of battery, and physically attacked without a weapon using his hand/arm/elbow and closed fist strikes. Officer London responded with verbal direction/control techniques, movement to avoid attack, tactical positioning, additional officers, escort holds, a closed hand strike/punch, and a baton. The report states that Officer London responded to looting in progress at the LA Fitness on 53rd and Lake Park. Upon arrival he observed a CPD lieutenant on the sidewalk, reportedly injured during a confrontation with an unknown subject. Officer London secured the scene to protect the lieutenant against other potential offenders. He then observed Mr. [REDACTED] push a sergeant in the chest. Officer London used his baton, which he held horizontally in front of his chest, to push Mr. [REDACTED] back and create space. Mr. [REDACTED] then struck Officer London on the face with a closed fist and fled, kicking and pushing through the crowd to avoid arrest. As Officer London chased Mr. [REDACTED], Mr. [REDACTED] swung his arms wildly. Officer London struck Mr. [REDACTED] once with his baton to gain control and effect the arrest. Mr. [REDACTED] fell, stood up, and again began to flee. He pulled away and refused to give officers his hands. [REDACTED] a co-arrestee, and others in the crowd attempted to pull Mr. [REDACTED] away from the officers. Officer London struck Mr. [REDACTED] multiple times with his baton to disable his delivery system, as Mr. [REDACTED] balled his fist and Officer London believed Mr. [REDACTED] would strike him again. Mr. [REDACTED] went to the ground and continued to resist. Believing Mr. [REDACTED] would kick him or strike him again, Officer London performed a close fist stun to Mr. [REDACTED] face. Mr. [REDACTED] relinquished his hands and was placed into custody. He was later transported from lockup to St. Bernard Hospital for medical attention.⁹⁹

Photographs¹⁰⁰ tendered to COPA by [REDACTED] depict what appears to be redness and swelling to his right calf, and swelling to his left shin.

IV. 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;

⁹⁶ Log# 2020-2142, Attachments 83, 107.

⁹⁷ Officer Villanueva is captured on Officer McClelland's BWC video at 19:06:55.

⁹⁸ Log# 2020-2202, Attachment 86.

⁹⁹ According to the TRR, a sergeant observed that Mr. [REDACTED] had blood on his head and swelling to his left hand/arm. At the hospital, Mr. [REDACTED] presented with pain and swelling to his left hand, right hand, and right knee See Log# 2020-2202, Attachments 8, 86.

¹⁰⁰ Log# 2020-2142, Attachments 20, 25, 46.

3. Unfounded - where it is determined by clear and convincing evidence that an allegation is false or not factual; or
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.¹⁰¹ 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.”¹⁰²

V. ANALYSIS AND CONCLUSIONS

a. Use of Force Allegations

i. Log# 2020-2142

COPA finds that **allegation #1** against **Officer Girard** is **Sustained**, in that he struck [REDACTED] with a baton without justification. As an initial matter, COPA finds [REDACTED] credible. He was consistent in his description of the incident in his statements to COPA, the FBI, and the Cook County State’s Attorney’s Office. Additionally, [REDACTED] immediately reported the incident to Chief of Patrol Fred Waller, who initiated this complaint on [REDACTED] behalf. In a statement to COPA, Chief Waller said he met with [REDACTED] on the same date as the incident, as soon as he became aware of [REDACTED] allegation. [REDACTED] provided Officer Girard’s name, description, and unit of assignment. Chief Waller noted that [REDACTED] had discomfort and a slight limp, and he subsequently drove [REDACTED] home. [REDACTED] account is also corroborated by photographs he provided to COPA, taken the day after the incident, which show obvious signs of injury to both legs. Additionally, COPA interviewed Dr. [REDACTED] also an outcry witness, who stated that [REDACTED] told him he was struck with a baton by an officer. Dr. [REDACTED] observed swelling and bruising to [REDACTED] legs, which the doctor reported were consistent with [REDACTED] being struck by a baton.

In addition to the testimonial evidence, COPA reviewed video of the incident and was able to identify [REDACTED] in the POD and body worn camera videos, on scene, in the proximity of officers using force against other individuals. The videos show [REDACTED] was a cooperative subject against whom no force was authorized. Although the footage does not capture the moment

¹⁰¹ 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).

¹⁰² *People v. Coan*, 2016 IL App (2d) 151036, ¶ 28 (2016).

██████████ was struck, at least one video appears to depict ██████████ limping minutes after the incident.¹⁰³ Finally, Officer Girard himself confirmed he had an interaction with ██████████ in which ██████████ threatened to get a CR against him; however, Officer Girard claimed not to remember striking ██████████ with a baton. Based on the preponderance of evidence, COPA finds that Officer Girard did strike ██████████ with a baton, and his use of force violated Department policy and Rules 2, 6, 8 and 9.

COPA finds that **allegation #1** against **Officer Jurado** is **Sustained**, in that he struck an unknown subject, now identified as ██████████ about the body with a baton without justification. Under Department policy, members are permitted to use force to overcome resistance.¹⁰⁴ However, the nature of the force used must be proportional to the level of resistance faced.¹⁰⁵ When a citizen “fails to comply (non-movement) with verbal or other direction,” they are considered a passive resister.¹⁰⁶ Members are permitted to respond to passive resistance by using holding techniques, compliance techniques, control instruments, and oleoresin capsicum (OC) spray in certain instances. In contrast, “a person who attempts to create distance between himself or herself and the member’s reach with the intent to avoid physical control and/or defeat the arrest” is an active resister.¹⁰⁷ This type of resistance includes, but is not limited to, evasive movement of the arm, flailing arms, and full flight by running. In addition to the force options authorized for passive resisters, members may respond to active resistance using stunning techniques, takedowns, and tasers.¹⁰⁸

However, Department members are not permitted to use batons as an impact weapon against passive or active resisters. Under General Order G03-02-07, members may only use a baton as an impact weapon against an assailant, which the policy defines as a subject who is using or threatening the use of force likely to cause physical injury.¹⁰⁹ Batons are authorized force options against passive and active resisters “only as a control instrument placed mainly on the sensors of the skin covering bone or applied to joints and pressure sensitive areas of the body with non-impact pressure.”¹¹⁰ The order also notes that when a member’s baton use is a reportable use of force, the member must individually justify the initial baton use as well as each subsequent baton use in a TRR.

In the instant case, ██████████ was at least a passive resister and could reasonably be considered an active resister. The video evidence shows that ██████████ pulled Mr. ██████████ legs as officers attempted to place Mr. ██████████ into custody. ██████████ also interfered in ██████████ arrest and attempted to pull ██████████ away from the officers. However, even if Officer Jurado considered ██████████ an active resister, that level of resistance would not have permitted Officer Jurado to strike ██████████ with a baton. In his statement, Officer Jurado acknowledged he struck ██████████ multiple times with his baton, but he asserted the baton strikes were authorized because ██████████ was an assailant

¹⁰³ Log# 2020-2142, Attachment 47, POD, G64X File, 7:38:35 – 7:39:25 PM.

¹⁰⁴ G03-02-01, Force Options (effective February 29, 2020 – April 14, 2021).

¹⁰⁵ G03-02-01 II(F).

¹⁰⁶ G03-02-01 IV(B)(1).

¹⁰⁷ G03-02-01 (IV)(B)(2).

¹⁰⁸ G03-02-01 (IV)(B)(2)(c).

¹⁰⁹ G03-02-07 (II)(C)(1), Baton Use Incidents (effective February 29, 2020 – April 14, 2021); *see* G03-02-01 (IV)(C).

¹¹⁰ G03-02-07 (II)(C)(2).

who grabbed Mr. [REDACTED] and attempted to pull him away from the officers. Officer Jurado's characterization of [REDACTED] as an assailant is inaccurate, as [REDACTED] neither used nor threatened to use force that was likely to cause physical injury.¹¹¹ Officer Jurado acknowledged he could have used less force against [REDACTED] but he said the incident transpired too quickly and his baton was already in his hand. COPA finds the preponderance of the evidence establishes that Officer Jurado's use of force violated Department policy and Rules 2, 6, 8 and 9.

COPA finds that **allegation #1** against **Officer Rider** is **Sustained**, in that she struck [REDACTED] about the body with a baton without justification. In her statement to COPA, Officer Rider maintained that she had no recollection of [REDACTED] and she only recalled striking Mr. [REDACTED] with her baton. Upon reviewing her BWC video, Officer Rider acknowledged she likely swung her baton at [REDACTED] but did not believe she actually struck him. The video, however, shows Officer Rider raising her baton over her head, then swinging it in a downward manner toward [REDACTED] as he pulled on Mr. [REDACTED] legs. The audio then captures the sound of a loud thud, consistent with the baton making contact with [REDACTED] body. Based upon the preponderance of the evidence, it is more likely than not that Officer Rider struck [REDACTED] with her baton. Therefore, COPA finds that Officer Rider's use of force violated Department policy and Rules 2, 6, 8, and 9 for the same reasons cited for Officer Jurado.

COPA finds that **allegation #1** against **Officer Gama** is **Sustained**, in that he struck [REDACTED] with a baton without justification. In his statement to COPA, Officer Gama asserted that he struck [REDACTED] with a baton because he forcefully attempted to pull [REDACTED] away from the officers and was therefore an assailant. As discussed above, [REDACTED] was a resistor, not an assailant. Therefore, COPA finds that Officer Gama's use of force violated Department policy and Rules 2, 6, 8, and 9 for the same reasons cited for Officer Jurado.

ii. Log# 2020-2202

COPA finds that **allegation #1** against **Officer London** is **Sustained**, in that he struck Mr. [REDACTED] on the upper body without a baton without justification. At the onset of this event, an altercation occurred between police officers and a group of citizens, which resulted in the officers pushing the citizens with batons. Mr. [REDACTED] and other citizens intervened, and Mr. [REDACTED] ended up on the sidewalk. The video evidence shows that, as Mr. [REDACTED] stood up, Officer London pushed his way through the crowd toward the commotion, bypassing other officers. Officer London then took several steps toward Mr. [REDACTED] extended his baton horizontally in both hands, and forcefully pushed the baton into Mr. [REDACTED] neck area.¹¹² In response, Mr. [REDACTED] punched Officer London on the face and fled down the sidewalk. While Officer London may not have intended to use his baton as an impact weapon in this instance, the BWC evidence shows he used his body weight and momentum to push his baton into Mr. [REDACTED] neck area. This physical contact with Mr. [REDACTED] was excessive, escalated an already tense situation, and precipitated the subsequent chain of events. For these reasons, COPA finds Officer London's use of force violated Department policy and Rules 2, 6, 8 and 9.

¹¹¹ See G03-02-01 IV(C).

¹¹² See Log# 2020-2142, Attachment 41, Officer London's BWC at 19:05:48; Officer Mora's BWC at 19:05:47.

COPA finds that **allegation #2** against **Officer London** is **Sustained**, in that he struck Mr. [REDACTED] multiple times about the body with a baton without justification. The testimonial and video evidence reveals that Officer London struck Mr. [REDACTED] multiple times with his baton as Mr. [REDACTED] fled from the police. Mr. [REDACTED] was an assailant when he punched Officer London on the face; however, once he fled, he decreased his level of resistance from an assailant to an active resister. Mr. [REDACTED] no longer used or threatened the use of force against Officer London or anyone else.

Department policy requires members to “modify their force in relation to the amount of continued resistance offered by the subject. As the subject offers less resistance, the member will immediately lower the amount or type of force used.”¹¹³ It is undisputed that Officer London did not reduce the force he used against Mr. [REDACTED]. Instead, Officer London proclaimed to COPA that Mr. [REDACTED] remained an assailant after the initial swing/punch to Officer London, as the officer feared he would be struck again. Officer London’s assertions are refuted by the video evidence, which shows that Mr. [REDACTED] was attempting to flee from officers to defeat his arrest. Based on the preponderance of the evidence, COPA finds that Mr. [REDACTED] was an active resister at the time Officer London struck him with his baton. As discussed above, baton strikes are not authorized force options against active resisters.¹¹⁴ For these reasons, COPA finds that Officer London’s use of force violated Department policy and Rules 2, 6 8, and 9.

COPA finds that **allegation #3** against **Officer London** is **Sustained**, in that he punched Mr. [REDACTED] on the face without justification. BWC footage shows that Officer London punched Mr. [REDACTED] as he lay on the ground, surrounded by multiple officers. Officer London claimed he punched Mr. [REDACTED] on the face so that Mr. [REDACTED] would relinquish his hands to be handcuffed. However, while Mr. [REDACTED] could reasonably be characterized as an active resister at this point in the incident, he was no longer an assailant. Under Department policy, members may only use direct mechanical techniques, such as punching and kicking, on assailants.¹¹⁵ Officer London’s decision to punch Mr. [REDACTED] on the face, therefore, violated the Department’s use of force policy.

Additionally, COPA finds it is more likely than not that Officer London’s punch was punitive and retaliatory in nature. Immediately before the punch, Mr. [REDACTED] protested the basis of his arrest and claimed he “wasn’t doing anything.” Officer London responded, “You fucking punched me,” as he simultaneously punched Mr. [REDACTED] on the face.¹¹⁶ The officer’s own words and actions, as captured on BWC, show he used force as punishment or retaliation for Mr. [REDACTED] prior actions. This is expressly prohibited by Department policy.¹¹⁷ For these reasons, COPA finds Officer London’s use of force violated Department policy and Rules 2, 6, 8 and 9.

COPA finds that **allegation #1** against **Officers Mora and Rider** is **Sustained**, in that they struck Mr. [REDACTED] multiple times about the body with a baton without justification. In their

¹¹³ G03-02-01 (II)(G).

¹¹⁴ See G03-02-07 (II)(C).

¹¹⁵ G03-02-01 IV(C).

¹¹⁶ See Log# 2020-2142, Attachment 41, Officer London’s BWC at 19:06:34.

¹¹⁷ See G03-02 (III)(B)(5)(c), Use of Force (effective February 29, 2020 to April 14, 2021) (“Force used as punishment or retaliation (*e.g.*, force used to punish or retaliate for fleeing, resisting arrest, or insulting a Department member) is prohibited.”).

statements to COPA, both officers asserted they struck Mr. [REDACTED] with their batons because he was an assailant. According to Officer Rider, Mr. [REDACTED] was an assailant because he fled, made movements to avoid physical control by officers, and incited the crowd to help him escape. According to Officer Mora, Mr. [REDACTED] was an assailant because the officer believed that Mr. [REDACTED] might kick him or another officer. However, Officer Mora later conceded that, when he struck Mr. [REDACTED] with his baton, Mr. [REDACTED] was not in a position to kick him and was merely a resistor. The evidence shows that Officer Mora's revised description of Mr. [REDACTED] is accurate. As discussed above, Mr. [REDACTED] was an active resistor, not an assailant, at the time Officers Mora and Rider struck him with their batons. Therefore, COPA finds the officers' uses of force violated Department policy and Rules 2, 6 8, and 9 for the same reasons cited for allegation #2 against Officer London.

iii. Log# 2020-2206

COPA finds that **allegation #1** against **Officer Gama** is **Sustained**, in that he struck [REDACTED] with a baton without justification. As discussed above, baton strikes are only authorized force options against assailants. None of the testimonial or video evidence indicates that [REDACTED] was an assailant, only a resistor. Despite this, the BWC footage captured Officer Gama strike [REDACTED] with a baton while [REDACTED] was on the ground. In his statement to COPA, Officer Gama could not recall why he swung his baton at [REDACTED] as he did not remember what occurred outside of the camera frame. Based on the available video evidence, and Officer Gama's lack of justification for striking [REDACTED] with a baton, COPA finds that Officer Gama's use of force violated Department policy and Rules 2, 6, 8 and 9.

COPA finds that **allegation #1** against **Officers Davis and Patrick**, that they struck [REDACTED] with a baton without justification, is **Not Sustained**. [REDACTED] told COPA he could not specifically identify the officers who struck him with batons, but he said the officers who transported him to the station, Officers Davis and Patrick, were part of the collective group of officers who physically maltreated him. While the available video evidence shows multiple officers striking [REDACTED] with batons, COPA was unable to identify all of the officers captured on video. Officers Davis and Patrick denied they used any force against [REDACTED] and both officers maintained that their batons were not on their person when they had contact with [REDACTED]. Without additional evidence, COPA is unable to prove or disprove [REDACTED] allegation against the officers by a preponderance of the evidence. Therefore, the allegation is not sustained.

COPA finds that **allegation #1** against **Officer McClelland** is **Sustained**, in that he struck [REDACTED] with a baton without justification. Officer McClelland told COPA he struck [REDACTED] with a baton because [REDACTED] intervened in Mr. [REDACTED] arrest and tried to pull Mr. [REDACTED] away from the officers. While [REDACTED] could reasonably be characterized as an active resistor, he was not an assailant. Therefore, COPA finds that Officer McClelland's use of force violated Department policy and Rules 2, 6, 8 and 9.

COPA finds that **allegations #2-3** against **Officer McClelland**, that he struck [REDACTED] on the upper body and forcefully restrained [REDACTED] are **Exonerated**. [REDACTED] told COPA that when officers arrested Mr. [REDACTED] he and other protesters linked arms and chanted for the officers to release Mr. [REDACTED]. Although not definitive, the available video evidence suggests that

██████████ and others then attempted to intervene in Mr. ██████████ arrest. ██████████ ended up on the ground, where officers struck him with batons. ██████████ subsequently attempted to get away from the officers and resisted arrest. The BWC footage shows that Officer McClelland forcefully restrained ██████████ on the ground and likely struck or stunned him on the upper body. In his statement to COPA, Officer McClelland said he did not recall striking ██████████ on the upper body but acknowledged it was possible. Because ██████████ was an active resister at that point, Officer McClelland's use of a stun would be permissible under Department guidelines.¹¹⁸ Additionally, video evidence confirms and Officer McClelland admitted that he forcefully restrained ██████████ in order to handcuff him. Given ██████████ level of resistance, COPA finds there is clear and convincing evidence that Officer McClelland was justified in both stunning/striking ██████████ on the upper body and in forcefully restraining ██████████

COPA finds that **allegation #4** against **Officer McClelland**, that he placed his knee on ██████████ neck and/or shoulder area without justification, is **Not Sustained**. ██████████ told COPA that an officer, now identified as Officer McClelland, pressed ██████████ face against the asphalt and placed a knee on his neck while he was prone on the ground. Although Officer McClelland acknowledged that he forcefully restrained ██████████ to place him into custody, and video evidence depicts Officer McClelland's knee across ██████████ upper back, Officer McClelland denied that he placed his knee on ██████████ neck and/or shoulder area. Because this contact is not clearly captured on video, and there is no additional evidence to support or refute the allegation, COPA finds the allegation is Not Sustained.

b. Procedural Allegations

i. Log# 2020-2142

COPA finds that **allegation #2** against **Officer Girard** is **Sustained**, in that he failed to complete a TRR documenting his use of force against ██████████ It is undisputed that Officer Girard did not complete a TRR. Department policy requires members to complete a TRR detailing the force used on a subject who is injured or alleges injury; is an active resister or assailant; actively obstructs a member by using a physical act directed at the member; or physically attacks a member, to include murder, aggravated battery, and battery.¹¹⁹ As discussed above, COPA has found that Officer Girard struck ██████████ with a baton. ██████████ was injured during the incident, consulted with a doctor, and provided COPA with photographs of bruising and swelling to both his legs. Officer Girard, therefore, was required to complete a TRR documenting the force he used against ██████████ His failure to do so violated Department policy and Rules 5 and 6.

COPA finds that **allegation #2** against **Officers Jurado, Rider, and Gama** is **Sustained**, as they failed to complete TRRs documenting their uses of force against ██████████ It is undisputed that the accused officers did not complete TRRs, despite the fact that they used force against ██████████ in response to his active resistance. Additionally, ██████████ sustained obvious injuries during the

¹¹⁸ See G03-02-01 (IV)(B)(2)(c)(1) (authorizing the use of "stunning" against active resisters, which the policy defines as "diffused-pressure striking or slapping the subject to increase control by disorienting the subject and interfering with his or her ability to resist.").

¹¹⁹ G03-02-02 III(A)(1)(a-e), Incidents Requiring the Completion of a Tactical Response Report (effective February 29, 2020 – April 14, 2021).

incident, which also required the officers to complete TRRs. COPA finds the officers' failure to complete TRRs violated Department policy and Rules 5 and 6.

ii. Log# 2020-2202

COPA finds that **allegation #2** against **Officers Mora and Rider** is **Sustained**, as they failed to complete TRRs documenting their uses of force against Mr. [REDACTED]. Both officers used force in response to Mr. [REDACTED] active resistance. Additionally, Mr. [REDACTED] sustained obvious injuries during the incident, and therefore the officers were required to complete TRRs. Their failure to do so violated Department policy and Rules 5 and 6.

iii. Log# 2020-2206

COPA finds that **allegation #2** against **Officers Gama and McClelland** is **Sustained**, as they failed to complete TRRs documenting their uses of force against [REDACTED]. Both members used force against [REDACTED] in response to his active resistance. Additionally, [REDACTED] sustained injuries as a result of the incident, and therefore the officers were required to complete TRRs. Their failure to do so violated Department policy and Rules 5 and 6.

COPA finds that **allegation #2** against **Officers Davis and Patrick**, that they failed to complete TRRs documenting their uses of force against [REDACTED] is **Not Sustained**. As discussed above, there is insufficient evidence to determine whether Officer Davis and/or Patrick used force against [REDACTED]. As a result, COPA is unable to determine whether the officers were required to complete TRRs by a preponderance of the evidence.

VI. RECOMMENDED DISCIPLINE FOR SUSTAINED ALLEGATIONS

a. Officer Girard

COPA has considered Officer Girard's complimentary history, minimal disciplinary history,¹²⁰ and seven years of service to the Department in mitigation. Officer Girard recalled very specific details surrounding his interaction with [REDACTED] yet failed to take responsibility for deliberately and repeatedly striking him with a baton. Officer Girard's purported inability to remember this detail appears self-serving. [REDACTED] was a cooperative subject against whom no force was authorized. Officer Girard also failed to complete the required TRR. Therefore, COPA recommends that Officer Girard receive a **90-day suspension**.

b. Officer Jurado

COPA has considered Officer Jurado's complimentary history, minimal disciplinary history,¹²¹ and six years of service to the Department in mitigation. Officer Jurado, in concert with other officers, struck [REDACTED] multiple times with his baton as [REDACTED] lay on the ground. While Officer

¹²⁰ Officer Girard received 1-day suspension following a preventable traffic accident in January 2021. Log# 2020-2142, Attachment 135, pages 1-4.

¹²¹ Officer Jurado received a reprimand for failure to perform assigned tasks in October 2021. Log# 2020-2142, Attachment 135, pages 12-16.

Jurado acknowledged that he could have used less force against [REDACTED] it does not negate the fact that [REDACTED] sustained serious injuries because of the officer's actions. Officer Jurado also failed to complete the required TRR related to this incident; however, COPA acknowledges the Department-wide confusion related to when TRRs would be required during the civil unrest. Therefore, COPA recommends that Officer Jurado receive a **90-day suspension**.

c. Officer Rider

COPA has considered Officer Rider's complimentary history, lack of disciplinary history,¹²² and six years of service to the Department in mitigation. Officer Rider's use of force against Mr. [REDACTED] and [REDACTED] was excessive and unwarranted—and to a higher degree given the amount of police presence on scene. Officer Rider's actions contributed to the injuries of both subjects. Officer Rider also failed to complete the required TRRs related to this incident; however, COPA acknowledges the Department-wide confusion related to when TRRs would be required during the civil unrest. Therefore, COPA recommends that Officer Rider receive a **120-day suspension**.

d. Officer Gama

COPA has considered Officer Gama's complimentary history, minimal disciplinary history,¹²³ and seven years of service to the Department in mitigation. Officer Gama's use of force against [REDACTED] and [REDACTED] was excessive and unwarranted—and to a higher degree given the amount of police presence on scene. Officer Gama's actions contributed to the injuries of both subjects. Officer Gama also failed to complete the required TRRs related to this incident. Therefore, COPA recommends that Officer Gama receive a **120-day suspension**.

e. Officer London

COPA has considered Officer London's complimentary history, lack of disciplinary history,¹²⁴ and five years of service to the Department in mitigation. Officer London pushed past a group of officers who were already directly engaged with Mr. [REDACTED] took several steps toward Mr. [REDACTED] and forcefully pushed his baton into Mr. [REDACTED] neck area, escalating the incident. Officer London's subsequent force against Mr. [REDACTED] was retaliatory and punitive. Therefore, COPA recommends Officer London receive a minimum of a **180-day suspension up to and including separation** from the Department.

f. Officer Mora

COPA has considered Officer Mora's complimentary history, lack of disciplinary history,¹²⁵ and five years of service to the Department in mitigation. Officer Mora's use of force against Mr. [REDACTED] was excessive and unwarranted, particularly given the number of police

¹²² Log# 2020-2142, Attachment 135, pages 9-12.

¹²³ Officer Gama received a reprimand following a preventable traffic accident in April 2020. Log# 2020-2142, Attachment 135, pages 5-8.

¹²⁴ Log# 2020-2202, Attachment 88, pages 5-8.

¹²⁵ Log# 2020-2202, Attachment 88, pages 9-12.

officers present. Officer Mora also failed to complete the required TRR related to the incident. Therefore, COPA recommends that Officer Mora receive a **60-day suspension**.

g. Officer McClelland

COPA has considered Officer McClelland’s complimentary history, minimal disciplinary history,¹²⁶ and six years of service to the Department in mitigation. Additionally, COPA notes that Officer McClelland was forthcoming and candid during his statement. While Officer McClelland was not justified in striking [REDACTED] with his baton, he mitigated his level of force by putting away his baton and restraining [REDACTED] on the ground to place him into custody. Officer McClelland also failed to complete the required TRR related to the incident; however, COPA acknowledges the Department-wide confusion related to when TRRs would be required during the civil unrest. Therefore, COPA recommends that Officer McClelland received a **30-day suspension**.

Approved:

[REDACTED]

4/29/2022

Matthew Haynam
Deputy Chief Administrator – Chief Investigator

Date

[REDACTED]

4/29/2022

Andrea Kersten
Chief Administrator

Date

¹²⁶ Officer McClelland received a reprimand for failure to perform assigned tasks in February 2022. Log# 2020-2206, Attachment 72, pages 5-8.