

SUMMARY REPORT OF INVESTIGATION¹

I. EXECUTIVE SUMMARY

Date of Incident:	December 25, 2015
Time of Incident:	3:00 am
Location of Incident:	Walgreens at 8600 South Cottage Grove Ave.
Date of COPA Notification:	January 12, 2016
Time of COPA Notification:	11:09 am

Complainant, Mr. [REDACTED] has paraplegia. He was attempting to enter a Walgreens pharmacy when he was instructed by Walgreens employees and police officers who were already on scene that he should not enter because his foot was bleeding. Mr. [REDACTED] had been dragging his foot under his motorized wheelchair and had been bleeding; however, he could not feel the injury because of his condition. The employees and the officers called for an ambulance, which arrived about 7 minutes later. Mr. [REDACTED] alleges that, both before and after the ambulance arrived, the police officers restrained him, detained him, and used excessive force against him, including to place him into the ambulance.

II. INVOLVED PARTIES

Involved Officer #1:	Jeffery G. Burks Star #10031 / Employee # [REDACTED] Date of Appointment: March 9, 2009 PO / Unit of Assignment: 006 DOB: [REDACTED] 1977 Male / Black
Involved Officer #2:	Michael Blanco Star #10519 / Employee # [REDACTED] Date of Appointment: March 5, 2013 PO / Unit of Assignment: 006 DOB: [REDACTED] 1985 Male / Asian
Subject #1:	[REDACTED] DOB: [REDACTED] 1979 Male / Black

¹ On September 15, 2017, the Civilian Office of Police Accountability (COPA) replaced the Independent Police Review Authority (IPRA) as the civilian oversight agency of the Chicago Police Department. Therefore, this investigation, which began under IPRA, was transferred to COPA on September 15, 2017, and the recommendation(s) set forth herein are the recommendation(s) of COPA.

III. ALLEGATIONS

Officer	Allegation	Finding
Officer Burks	1. In the early morning hours of December 25, 2015, Officer Burks used excessive force against [REDACTED] by twisting Mr. [REDACTED] arm behind his back, in violation of Rule 9.	UNFOUNDED
	2. In the early morning hours of December 25, 2015, Officer Burks unlawfully stopped Mr. [REDACTED] and detained him in violation of Rule 1.	UNFOUNDED
Officer Blanco	1. In the early morning hours of December 25, 2015, Officer Blanco used excessive force against [REDACTED] by grabbing Mr. [REDACTED] neck from behind, in violation of Rule 9.	UNFOUNDED
	2. In the early morning hours of December 25, 2015, Officer Blanco unlawfully stopped Mr. [REDACTED] and detained him in violation of Rule 1.	UNFOUNDED

IV. APPLICABLE RULES AND LAWS

Rules – the following acts are prohibited:

1. Rule 1: Violation of any law or ordinance.
2. Rule 9: Engaging in any unjustified verbal or physical altercation with any person, while on or off duty.

General Orders²

1. G-03-02: Use of Force
2. G-03-02-01: Force Options

Special Orders

1. Special Order S04-13-07: Miscellaneous Incident Reporting Procedures

Federal Laws

1. U.S. Constitution, Amendment IV: Unreasonable seizure

² Any General Orders and Special Orders relied on in this Summary Report of Investigation are those that were in effect when the conduct in question occurred.

V. INVESTIGATION³

Investigators conducted in-person and written interviews and reviewed documentary evidence generated by the Office of Emergency Management and Communications (“OEMC”) and the Chicago Fire Department (“CFD”).

Video evidence collected from Walgreens was unhelpful because it only showed the side of the building—the front-door camera was malfunctioning at the time.

a. Interviews

IPRA investigators interviewed the **Complainant, Mr. [REDACTED]** on January 25, 2016.⁴ Mr. [REDACTED] has paraplegia and he is confined to a motorized wheelchair. On Christmas Day at around three in the morning, Mr. [REDACTED] went to Walgreens in his motorized wheelchair being pushed by an acquaintance he only knows as [REDACTED]. Upon his arrival, an employee stopped Mr. [REDACTED] because he was bleeding from his foot. The employee also informed two male police officers who had been on the scene. Mr. [REDACTED] refused medical attention but the officers insisted and at some point an ambulance arrived.

Mr. [REDACTED] alleged that the two officers detained him at the scene and forcibly took him into the ambulance. Mr. [REDACTED] alleged that one officer, identified by COPA as Officer Burks, grabbed him by the arm while trying to stop him from driving off in the motorized chair. He alleged that the other officer, identified by COPA as Officer Blanco, grabbed him by the neck from behind and held him down. Mr. [REDACTED] also alleged that he was hit in the head with an object he believed to be a flashlight while he was being placed into the ambulance.

IPRA investigators sent **Officer Michael Blanco** a list of questions^{5,6} and he responded on August 25, 2016.⁷ Officer Blanco reported that he encountered Mr. [REDACTED] at the Walgreens at the time of the incident, and that he observed Mr. [REDACTED] bleeding from the foot due to the foot being dragged under the wheelchair. Officer Blanco called for Emergency Medical Services (“EMS”), which arrived a few minutes later and took Mr. [REDACTED] to the hospital for further treatment. At no point did officers make physical contact with Mr. [REDACTED].

COPA interviewed **Officer Jeffery Burks** on May 15, 2018.⁸ Officer Burks’ account generally corroborates Officer Blanco’s account: the officers saw a trail of blood, realized Mr. [REDACTED] was bleeding from the foot, called EMS, and observed paramedics take Mr. [REDACTED] into the ambulance. At no point did officers make physical contact with Mr. [REDACTED].

³ COPA conducted a thorough and complete investigation. The following is a summary of the material evidence gathered and relied upon in our analysis.

⁴ Att. 12 (Transcript); see also Att. 10 (summary) and Att. 11 (audio recording).

⁵ Att. 15.

⁶ Past practice of IPRA allowed for officer statements to be given by interview or by written statement. This practice has since been discontinued.

⁷ Att. 17.

⁸ Att. 27.

b. Documentary Evidence

COPA reviewed documentary evidence consisting of reports from OEMC and CFD.

The **OEMC Event Query** shows that at 3:25 am on December 25, 2015, Beat 633R, identified by COPA as the beat of Officers Blanco and Burks, requested an ambulance to 8628 S. Cottage Grove Ave. The Work Station listed as requesting an ambulance is the one identified by COPA as being in the vehicle taken out by Officers Blanco and Burks. The report also shows that another beat, 631R, responded to the call to assist.⁹

The **CFD Ambulance Report** shows that an ambulance was dispatched at 3:27 am and reached the patient at the scene at 3:33. The report states that they found the patient, Mr. [REDACTED] bleeding from his left leg because he dragged his foot under his motorized wheelchair for approximately half a block. The report states that Mr. [REDACTED] was transported to Trinity Hospital without incident.

VI. ANALYSIS

Based on a review of the evidence, including interviews and documents generated by OEMC and CFD, the allegations by Mr. [REDACTED] cannot be sustained.

First, the amount of time that transpired between Mr. [REDACTED] arrival and the arrival of the ambulance was short and did not leave much time for interaction between him and the officers, especially given Mr. [REDACTED] speech patterns.¹⁰ Second, Mr. [REDACTED] motorized wheelchair was obviously not functional—after all, by his own admission, he had an acquaintance pushing it for him. That makes the allegation that officers felt the need to restrain him to prevent him from leaving the scene highly improbable; Mr. [REDACTED] was unable to leave the scene anyway, because the acquaintance who was with him had left, and the wheelchair was not functional. Third, there is no indication that the officers participated in the placement of Mr. [REDACTED] into the ambulance.

Based on the statements and the evidence, it is more likely than not that Mr. [REDACTED] allegations are not factual. Therefore, COPA finds that all allegations against Officers Blanco and Burks are UNFOUNDED.

⁹ One officer from this Beat, PO Charles M. Cordin #19742, completed answers to questions from IPRA investigators; the responses are consistent with the version of the incident relayed by Officers Burks and Blanco.

¹⁰ During the interview, Mr. [REDACTED] spoke in a manner that can be described as disjointed and loquacious.

VII. CONCLUSION

Based on the analysis set forth above, COPA makes the following findings:

Officer	Allegation	Finding
Officer Burks	1. In the early morning hours of December 25, 2015, Officer Burks used excessive force against ██████████ by twisting Mr. ██████████ arm behind his back, in violation of Rule 9.	UNFOUNDED
	2. In the early morning hours of December 25, 2015, Officer Burks unlawfully stopped Mr. ██████████ and detained him in violation of Rule 11.	UNFOUNDED
Officer Blanco	1. In the early morning hours of December 25, 2015, Officer Blanco used excessive force against ██████████ by grabbing Mr. ██████████ neck from behind, in violation of Rule 9.	UNFOUNDED
	2. In the early morning hours of December 25, 2015, Officer Blanco unlawfully stopped Mr. ██████████ and detained him in violation of Rule 11.	UNFOUNDED

Approved:

██████████
 Shannon Hayes
 Acting Deputy Chief Administrator – Chief Investigator

5/24/18

 Date

Appendix A

Assigned Investigative Staff

Squad#:	11
Investigator:	Tamer Y. Abouzeid
Supervising Investigator:	Brian Dollar
Acting Deputy Chief Administrator:	Shannon Hayes