

SUMMARY REPORT OF INVESTIGATION¹

I. EXECUTIVE SUMMARY

Date of Incident:	November 21, 2014
Time of Incident:	4:12 p.m.
Location of Incident:	██████████, Chicago, IL
Date of COPA Notification:	July 7, 2015
Time of COPA Notification:	2:35 p.m.

On November 21, 2014 in the vicinity of ██████████, Officers Charlie Johnson and Justin Mielcarz, arrested ██████████ for Manufacture/Delivery of Heroin (720 ILCS 570.0/407-B-1), after ██████████ had delivered suspected heroin to undercover Officer Randolph during a narcotics investigation. ██████████ subsequently alleged that during his arrest, he was physically abused and subjected to a strip search. COPA's administrative investigation determined that there was insufficient evidence to prove or disprove the allegations against Officer Johnson and Officer Mielcarz, which were Not Sustained.

II. INVOLVED PARTIES

Involved Officer #1:	Charlie Johnson, #16589, Emp. # ██████████, Date of Appointment: October 28, 2002; Chicago Police Officer, Date of Birth: ██████████, 1980; Black male
Involved Officer #2:	Justin Mielcarz, #12613, Emp. # ██████████, Date of Appointment: March 27, 2006; Chicago Police Officer, Date of Birth: ██████████, 1981; White male
Involved Civilian #1:	██████████ Date of Birth: ██████████, 1982, Black male

III. ALLEGATIONS

Officer	Allegation	Finding
Officer Charlie Johnson	1. Pulled ██████████ and caused him to strike his head against an iron gate.	Not Sustained

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.

Officer Justin Mielcarz	2. Stated words to the effect of, "Shut the fuck up."	Not Sustained
	3. Conducted a strip search of [REDACTED]	
	4. Struck [REDACTED] about his face, head and ears.	Not Sustained
		Not Sustained
	1. Pulled [REDACTED] and caused him to strike his head against an iron gate.	Not Sustained
	2. Stated words to the effect of, "Shut the fuck up."	Not Sustained
	3. Conducted a strip search of [REDACTED]	Not Sustained

IV. APPLICABLE RULES AND LAWS

Rules

1. Rule 2: Any action or conduct which impedes the Department's efforts to achieve its policy and goals or brings discredit upon the Department.
2. Rule 6: Prohibits any disobedience of an order or directive, whether written or oral.
3. Rule 8: Prohibits disrespect to or maltreatment of any person, while on or off duty.
4. Rule 9: Prohibits engaging in any unjustified verbal or physical altercation with any person, while on or off duty.

General Orders

1. G06-01-03, Conducting Strip Searches

Federal Laws

1. 4th Amendment of the US constitution

V. INVESTIGATION

a. Interviews

1. Victim [REDACTED]

In his interview with IPRA on 26 August 2015 and in Civil Suit 15CV [REDACTED] [REDACTED] stated that on November 21, 2014 around 4:00 pm he was standing inside the fence located at his residence at [REDACTED]. when the arresting officers approached him and stated words to the effect of, "What do you have on you?" [REDACTED] stated that he was immediately handcuffed and searched by Officer Johnson. [REDACTED] stated that Officer Johnson proceeded to pull him towards the front of the yard by the links of the handcuffs and Officer Mielcarz held on to [REDACTED] shoulder. [REDACTED] added that as he was being lead out of the yard he tripped over a tree stump and struck his head against a steel fence.

[REDACTED] stated that he lost consciousness after he struck his head. [REDACTED] attested that when he regained consciousness the officers were attempting to place him inside the police vehicle. [REDACTED] stated that while inside the back of the police vehicle he asked the arresting officers why he had been arrested. Mr. [REDACTED] stated that the arresting officers stated words to the effect of, "Shut the fuck up." Mr. [REDACTED] related that he continued to ask the question and Officer Johnson turned around and struck him about his face, head and ears.

Mr. [REDACTED] stated that when he arrived at the Homan Square Lockup, the arresting officers conducted a strip search of his person. Mr. [REDACTED] related that he sustained a busted lip and a permanent knot to the back lower right side of his head. Mr. [REDACTED] did not obtain any medical treatment for his injuries.²

2. Police Statements

In a **To/From Subject Report** dated November 25, 2015, **Accused Officer Justin Mielcarz, #12613**, described [REDACTED] as being highly uncooperative during his arrest. Officer Mielcarz reported that after [REDACTED] was placed in custody (while handcuffed) he opened the rear door of the R/O's police vehicle and fled running into the front door at 1007 N. Springfield. [REDACTED] was detained inside the common front hallway at [REDACTED] and escorted again to the police vehicle.

While being escorted, [REDACTED] attempted to, but was unsuccessful at striking his head against the front gate/fence at [REDACTED]. Officer Mielcarz denied pulling [REDACTED] and causing him to strike his head against an iron gate. Officer Mielcarz denied observing Officer

² Attachments 5, 7, 8, 29

Johnson commit the aforementioned act. Officer Mielcarz denied stating words to the effect of, "Shut the fuck up." Officer Mielcarz denied observing Officer Johnson commit the aforementioned act. Officer Mielcarz denied observing Officer Johnson physically abuse Garfeed. Officer Mielcarz denied conducting a strip search of ██████████ person. Officer Mielcarz denied observing Officer Johnson commit the aforementioned act.³

In a **To/From Subject Report** dated November 25, 2015, **Accused Officer Charlie Johnson, #16589**, described ██████████ as very uncooperative during his arrest. Officer Johnson reported that ██████████ was taken into custody after he was positively identified as the subject who delivered .4 grams of suspect heroin to Under Cover Officer Randolph. Officer Johnson handcuffed Garfeed and placed him in the rear passenger seat of the unmarked police vehicle without incident. As Officer Johnson compared the serial numbers from the currency provided to the undercover officer with those recovered from ██████████ opened the rear passenger door of the unmarked police vehicle and fled, running to ██████████. ██████████ entered the hallway with his hands still handcuffed behind his back.

Officers Johnson pursued ██████████ into the hallway and regained control of ██████████. Officers Johnson and Mielcarz escorted/pulled ██████████ back to the unmarked police vehicle. In the process of escorting ██████████ to the vehicle, ██████████ began to swing his body from side to side in an apparent attempt to sling his body and head against everything, including but not limited to the front gate of the property. Officer Johnson reported that despite ██████████ efforts to cause injury to himself, he was unsuccessful. Officer Johnson denied pulling ██████████ and causing him to strike his head against an iron gate. Officer Johnson denied observing Officer Mielcarz commit the aforementioned act. Officer Johnson denied stating words to the effect of, "Shut the fuck up." Officer Johnson denied observing Officer Mielcarz commit the aforementioned act. Officer Johnson denied striking Garfeed about his face, head and ears. Officer Johnson denied conducting a strip search of ██████████ person. Officer Johnson denied observing Officer Mielcarz commit the aforementioned act.⁴

b. Documentary Evidence

The **Original Incident Case Report, Vice Supplementary Report and Arrest Report for RD #HX515351** document that on November 21, 2014, at approximately 4:12 p.m. ██████████ was arrested after was positively identified as the individual who delivered a white powdered substance, which was believed to be heroin, to an undercover Chicago police officer, Officer Randolph, #9663, in exchange for money. According to the lockup screening log, and the arrest report, Mr. ██████████ did not have obvious pain and/or injury.⁵

VI. ANALYSIS

1. Officer Charlie Johnson, #16589

³ Attachment #19, 31, 32

⁴ Attachment #24, 33, 34

⁵ Attachments 12, 25 – 27

Allegations #1 – 4: Not Sustained

COPA recommends a finding of **Not Sustained** for **Allegation #1** that Officer Johnson pulled ██████ and caused him to strike his head against an iron gate. ██████ stated that the arresting officers pulled him by the links of the handcuffs and his shoulder. ██████ added that as he was pulled by the arresting officers he tripped over a tree stump and struck his head against an iron gate. There are no medical reports to support ██████ allegations. Officers Johnson and Mielcarz reported that as they were escorting ██████ to the police vehicle a second time, Mr. ██████ attempted to swing his head and body in efforts to injure himself. Officers Johnson and Mielcarz reported that ██████ was unsuccessful in injuring himself. Officer Johnson denied observing Officer Mielcarz pulling ██████ causing ██████ to strike his head against an iron gate. Officer Mielcarz denied committing the act alleged against him. Based on the available evidence, there is insufficient evidence to prove or disprove the allegation.

COPA recommends a finding of **Not Sustained** for **Allegation #2** that Officer Johnson stated words to the effect of, “Shut the fuck up.” Officer Mielcarz denied hearing Officer Johnson make the statements as alleged against him. Officer Johnson denied observing any Department member commit the acts alleged by ██████ Officer Johnson denied making the statements as alleged against him. No independent evidence exists that supports or refutes the allegations. There is insufficient evidence to prove or disprove the allegations.

COPA recommends a finding of **Not Sustained** for **Allegation #3** that Officer Johnson conducted a strip search of ██████ ██████ stated that Officer Johnson conducted a strip search of his person. There were no witnesses regarding this allegation. Officer Mielcarz denied observing Officer Johnson commit the act alleged against him. Officer Johnson denied committing the act alleged against him. Based on the available evidence, there is insufficient evidence to prove or disprove the allegation.

COPA recommends a finding of **Not Sustained** for **Allegation #4** that Officer Johnson struck ██████ about his face. There are no medical reports to support ██████ allegations. Additionally, ██████ booking photos from the time of arrest do not show any visible injuries to his face. Officer Mielcarz denied observing Officer Johnson commit the act alleged against him. Officer Johnson denied committing the act alleged against him. Based on the available evidence, there is insufficient evidence to prove or disprove the allegation.

2. Officer Jason Mielcarz**Allegations #1 – 3: Not Sustained**

COPA recommends a finding of **Not Sustained** for **Allegation #1**, that Officer Mielcarz pulled ██████ and caused him to strike his head against an iron gate.. ██████ stated that the arresting officers pulled him by the links of the handcuffs and his shoulder. ██████ added that as he was pulled by the arresting officers he tripped over a tree stump and struck his head against an iron gate. There are no medical reports to support ██████ allegations. Officers Johnson and Mielcarz reported that as they were escorting ██████ to the police vehicle, ██████ attempted to

swing his head and body in efforts to injure himself. Officers Johnson and Mielcarz reported that Mr. [REDACTED] was unsuccessful in injuring himself. Officer Johnson denied observing Officer Mielcarz pulling Mr. [REDACTED] causing Mr. [REDACTED] to strike his head against an iron gate. Officer Mielcarz denied committing the act alleged against him. No independent evidence exists that supports or refutes the allegations. Based on the available evidence, there is insufficient evidence to prove or disprove the allegation.

COPA recommends a finding of **Not Sustained** for **Allegation #2**, that Officer Mielcarz stated words to the effect of, “Shut the fuck up.” [REDACTED] stated that while inside the police vehicle he asked the officers why he was being arrested. [REDACTED] stated that one of the arresting officers stated words to the effect of, “Shut the fuck up.” There were no witnesses regarding this allegation. Officer Johnson denied observing Officer Mielcarz commit the act alleged against him. Officer Mielcarz denied committing the act alleged against him. Based on the available evidence, there is insufficient evidence to prove or disprove the allegation.

COPA recommends a finding of **Not Sustained** for **Allegation #3** that Officer Mielcarz conducted a strip search of [REDACTED] person. [REDACTED] stated that Officer Mielcarz conducted a strip search of his person. There are no independent witnesses regarding this allegation. Officer Johnson denied observing Officer Mielcarz commit the act alleged against him. Officer Mielcarz denied committing the act alleged against him. Based on the available evidence, there is insufficient evidence to prove or disprove the allegation.

VII. CONCLUSION

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

Officer	Allegation	Finding
Officer Charlie Johnson	1. Pulled [REDACTED] and caused him to strike his head against an iron gate, in violation of Rule 8.	Not Sustained
	2. Stated words to the effect of, “Shut the fuck up,” in violation of Rule 9.	Not Sustained
	3. Conducted a strip search of [REDACTED] in violation of Rule 6; G.O. 06-01-03.	Not Sustained
	4. Struck [REDACTED] about his face, head and ears, in violation of Rule 8.	Not Sustained
Officer Justin Mielcarz	1. Pulled [REDACTED] and caused him to strike his head against an iron gate, in violation of Rule 8.	Not Sustained

	2. Stated words to the effect of, "Shut the fuck up," in violation of Rule 9.	Not Sustained
	3. Conducted a strip search of [REDACTED] in violation of Rule 6; G.O. 06-01-03.	Not Sustained

Approved:

[REDACTED]

Andrea Kersten
Deputy Chief Administrator – Chief Investigator

6/22/18
Date

Appendix A

Assigned Investigative Staff

Squad#: 4	
Investigator:	Lakeisha Davis
Supervising Investigator:	James Murphy-Aguilu
Deputy Chief Administrator:	Andrea Kersten