

SUMMARY REPORT OF INVESTIGATION<sup>1</sup>

I. EXECUTIVE SUMMARY

Date of Incident:	September 9, 2015
Time of Incident:	5:00 PM
Location of Incident:	[REDACTED]
Date of COPA Notification:	September 10, 2015
Time of COPA Notification:	4:07 PM

On September 9, 2015, [REDACTED] was arrested for Criminal Trespass, Aggravated Assault, and Obstruction of a Peace Officer. [REDACTED] was on the property of Police Officer Matthew Jackson when he was arrested. [REDACTED] had been near the exterior door to the basement when Officer Jackson opened the door and found him there. Officer Jackson opened the basement door because he heard [REDACTED] trying to turn the doorknob. Officer Jackson attempted to apprehend [REDACTED] and [REDACTED] fought with him. This investigation revealed that Officer Jackson used appropriate force to subdue [REDACTED] and held him for on-duty officers.

II. INVOLVED PARTIES

Involved Officer #1:	Matthew JACKSON; #10136; Employee ID# [REDACTED]; DOA: October 3, 1994; Police Officer; Assigned to Unit 11, Detailed to Unit 124; DOB: [REDACTED], 1968; Male; Black
Subject #1:	[REDACTED] DOB: [REDACTED], 1996; Male; Black
Subject #2:	[REDACTED] DOB: [REDACTED], 1999; Male; Black

III. ALLEGATIONS

Officer	Allegation	Finding
Police Officer Matthew Jackson	1. The complainant alleged that the accused officer put a gun in [REDACTED] mouth, in violation of Rule 8.	Unfounded

<sup>1</sup> 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.

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|  | 2. The complainant alleged that the accused officer struck [REDACTED] with a gun, in violation of Rule 9. | Unfounded |
|--|---|-----------|

#### IV. APPLICABLE RULES AND LAWS

##### Rules

1. Rule 8 - Disrespect to or maltreatment of any person, while on or off duty.
2. Rule 9 - Engaging in any unjustified verbal or physical altercation with any person, while on or off duty.

#### V. INVESTIGATION<sup>2</sup>

##### a. Interviews<sup>3</sup>

In a statement to IPRA on July 19, 2016,<sup>4</sup> Victim [REDACTED] stated that he was walking with his brother, [REDACTED] when he felt the need to urinate. [REDACTED] entered the yard at [REDACTED]<sup>5</sup> to relieve himself on the grass. Officer Jackson exited his residence wearing a badge and holding a gun. Officer Jackson told [REDACTED] to freeze and then pushed him. [REDACTED] went to the ground and lay there. Officer Jackson struck [REDACTED] with the gun and punched him while [REDACTED] was on the ground. [REDACTED] stated that Officer Jackson placed the gun in his mouth at some point while [REDACTED] was standing. [REDACTED] could not provide details about when events occurred or what happened after he was on the ground.<sup>6</sup> [REDACTED] did state that Officer Jackson's [REDACTED] came outside with a phone and called police. Police responded to the scene, as did an ambulance that took [REDACTED] to Mt. Sinai Hospital because he had an injury to his lip. Officers took [REDACTED] to the police station after he was discharged from the hospital. [REDACTED] stated that he received stitches to his lip at the hospital.

In a statement to IPRA on September 10, 2015,<sup>8</sup> Witness [REDACTED] stated that he and [REDACTED] were walking and [REDACTED] told [REDACTED] that he had to urinate. [REDACTED] went into the yard at [REDACTED]. Before [REDACTED] could urinate, Officer Jackson ran out from the house and struck [REDACTED] Officer Jackson had a gun in his hand

<sup>2</sup> COPA conducted a thorough and complete investigation. The following is a summary of the material evidence gathered and relied upon in our analysis.

<sup>3</sup> In the interest of clarity, all parties are identified by name in the summaries of the various statements, even in instances where the person interviewed could not identify another party by name.

<sup>4</sup> Attachments 43, 48

<sup>5</sup> During his statement, [REDACTED] looked at photographs of the house at this address (Attachment 40) and acknowledged that the house is surrounded by a fence. [REDACTED] said that the gate was open when he entered the yard.

<sup>6</sup> While COPA does not have access to a diagnosis, [REDACTED] appears to have some degree of cognitive impairment which appeared to affect his ability to recall information.

<sup>7</sup> Officer Jackson's [REDACTED], [REDACTED], declined to cooperate with this investigation.

<sup>8</sup> Attachment 6

when he struck [REDACTED] [REDACTED] Officer Jackson handcuffed [REDACTED] [REDACTED] but continued to strike him. [REDACTED] was not arrested but he was handcuffed before being released.

In a statement to IPRA on February 22, 2016,<sup>9</sup> **Witness** [REDACTED] [REDACTED] a friend of Officer Jackson, stated that he was in the basement of Officer Jackson's home speaking with Officer Jackson's [REDACTED] when Officer Jackson heard a noise at the door. Officer Jackson called to [REDACTED] and [REDACTED] saw Officer Jackson struggling with [REDACTED] on the ground. [REDACTED] stated that [REDACTED] appeared to be attempting to get away. [REDACTED] did not see Officer Jackson punch [REDACTED] [REDACTED] Officer Jackson repeatedly told [REDACTED] that he was a police officer and instructed him to calm down and stop fighting. Officer Jackson told [REDACTED] to control [REDACTED] legs and [REDACTED] held [REDACTED] legs down with his hands. [REDACTED] stated that [REDACTED] entered the yard, stood near [REDACTED] and told [REDACTED] to stay still. Officer Jackson's [REDACTED] called the police and on-duty officers arrived fewer than five minutes later. [REDACTED] stated he left after officers arrived. [REDACTED] went to the doctor for a bruise on his right arm after leaving Officer Jackson's residence.

In a statement on November 30, 2017,<sup>10</sup> **Accused Police Officer Matthew Jackson** stated that he was in his with his [REDACTED], [REDACTED], and [REDACTED] Officer Jackson heard a sound by the basement door and went to investigate. Officer Jackson stated that he initially attributed the sound to squirrels as he had problems with squirrels before. As Officer Jackson approached the door, the door handle moved. Officer Jackson opened the security door and was startled to find [REDACTED] standing in the stairwell with the storm door open. Officer [REDACTED] asked [REDACTED] what he was doing. [REDACTED] did not reply and Officer Jackson identified himself as a police officer and asked [REDACTED] again what he was doing. [REDACTED] turned and part of his body struck Officer Jackson on the torso. Officer Jackson could not say what part of [REDACTED] body struck him. Officer Jackson grabbed [REDACTED] and the two began to struggle while they made their way up several stairs and out of the stairwell. At some point during the struggle, Officer Jackson felt [REDACTED] hands on his right side. Officer Jackson was carrying an off-duty weapon in a pancake holster on his right side and he was afraid that [REDACTED] was going to take the weapon from him. Officer Jackson trapped [REDACTED] hand against his body by locking [REDACTED] elbow and upper arm against Officer Jackson's torso. Officer Jackson then drew his weapon and held it in his right hand in order to ensure that [REDACTED] could not gain possession of the weapon. Officer Jackson held his weapon so that his fingers curled over the slide, the grip was near his right thumb, and the barrel pointed toward his little finger. [REDACTED] and Officer Jackson continued to strike each other until [REDACTED] finally went to the ground. While [REDACTED] was on the ground, Officer Jackson asked for help from [REDACTED] in holding down [REDACTED] legs. At some point during the incident, [REDACTED] [REDACTED] called 911 and informed them what was happening. At about the same time that [REDACTED] [REDACTED] was on the phone with 911, Officer Jackson called out to on-duty officers who happened to be driving by. The officers stopped and took [REDACTED] into custody. Officer Jackson denied striking [REDACTED] with his weapon and denied putting his weapon in [REDACTED] mouth. Officer Jackson clarified that he was holding his weapon in his right hand when he struck [REDACTED] Officer Jackson also stated that he did not sustain any injuries to his right hand as a result of the incident. Officer Jackson stated he does not believe

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<sup>9</sup> Attachment 32

<sup>10</sup> Attachment 54

that [REDACTED] entered his property to urinate as he lives across the street from Douglas Park, which he believes would be a more likely place for someone to urinate.

### b. Physical Evidence

**Evidence Technician Photographs**<sup>11</sup> of [REDACTED] depict apparent injuries to his lip, nose, and forehead.

**Evidence Technician Photographs**<sup>12</sup> of Officer Jackson depict an apparent injury to his left knee.

**Medical records**<sup>13</sup> from Mt. Sinai Hospital indicate that [REDACTED] complained of a laceration to his left lower lip and received one stitch to treat that injury. [REDACTED] told Emergency Department personnel that he got beat up when he tried to go into a house to use the bathroom and that the man in the house put a gun in his mouth. [REDACTED] denied having any throat pain. Emergency Department personnel noted that he had a laceration to his lip and a blood clot in his right nostril. Medical personnel did not note any injuries to [REDACTED] throat or the inside of his mouth.

A **Laboratory Report**<sup>14</sup> from the Illinois State Police Forensic Sciences Center dated May 15, 2017, indicated that a sample swab from Officer Jackson's weapon did not contain sufficient DNA material to produce a DNA profile. There was no saliva indicated in the swab of Officer Jackson's weapon.

### c. Documentary Evidence

**[REDACTED] Arrest Report**<sup>15</sup> indicates that he was arrested and charged with Criminal Trespass to Land, Aggravated Battery to a Police Officer, and Resisting/Obstructing a Peace Officer. Officer Jackson is listed as the victim for each charge. The Arrest Report states that Officer Jackson was injured during the incident and lists minor abrasions to his left knee, left wrist, and left hand as the injuries he sustained. The Arrest Report also indicates that [REDACTED] had been treated and released from Mt. Sinai Hospital for a laceration to his lower lip. The incident narrative section indicates that [REDACTED] attempted to enter Officer Jackson's residence. When Officer Jackson opened the door to confront [REDACTED] a struggle ensued and [REDACTED] grabbed Officer Jackson's handgun and attempted to pull it from its holster. Officer Jackson grabbed [REDACTED] hand of his handgun. Officer Jackson pulled his gun from the holster. Officer Jackson's gun "made contact" with [REDACTED] face and mouth while Officer Jackson struggled to subdue [REDACTED] Chicago Fire Department Ambulance #33 transported [REDACTED] to Mt. Sinai Hospital for medical treatment.

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<sup>11</sup> Attachment 40

<sup>12</sup> Attachment 40

<sup>13</sup> Attachment 30

<sup>14</sup> Attachment 50

<sup>15</sup> Attachment 9

Officer Jackson completed a Tactical Response Report<sup>16</sup> and Officer’s Battery Report<sup>17</sup> following the incident. Officer Jackson described [REDACTED] as an Assailant: Assault in that he attempted to disarm Officer Jackson. Officer Jackson stated that he responded with elbow strikes, knee strikes, and closed hand strikes. Officer Jackson reported sustaining minor injuries as a result of the incident.

**VI. ANALYSIS**

COPA recommends a finding of **UNFOUNDED** for Allegation # 1 against Police Officer Matthew Jackson, that he put a gun in [REDACTED] mouth. No saliva was indicated from forensic testing on Officer Jackson’s weapon and no human DNA could be identified from testing a swab of the weapon. [REDACTED] could not provide details of what occurred during the incident or when actions occurred. The medical records did not indicate that [REDACTED] had injuries to his mouth or his throat. The available evidence does not support this allegation.

COPA recommends a finding of **UNFOUNDED** for Allegation # 2 against Police Officer Matthew Jackson, that he struck [REDACTED] with a gun. Officer Jackson held his weapon in his hand in order to stop [REDACTED] from disarming him. Officer Jackson related that he felt [REDACTED] hand near his weapon at some point during the struggle and at that point, Officer Jackson had a duty to keep [REDACTED] from obtaining the weapon. By holding the weapon in his hand, Officer Jackson fulfilled that duty. [REDACTED] did not complain to hospital personnel about being struck with a handgun. Officer Jackson did strike [REDACTED] while holding a handgun but any contact that the handgun made with [REDACTED] was incidental.

**VII. CONCLUSION**

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

Officer	Allegation	Finding
Police Officer Matthew Jackson	1. The complainant alleged that the accused officer put a gun in [REDACTED] mouth, in violation of Rule 8.	Unfounded
	2. The complainant alleged that the accused officer struck [REDACTED] with a gun, in violation of Rule 9.	Unfounded

A  
 [REDACTED]  
 Erica Sangster  
 Acting Deputy Chief Administrator – Chief Investigator

7/17/18  
 Date

<sup>16</sup> Attachment 14  
<sup>17</sup> Attachment 15

Appendix A

Assigned Investigative Staff

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<b>Squad#:</b>	9
<b>Investigator:</b>	Daniel Kobel, #67
<b>Supervising Investigator:</b>	Shannon Hayes, #15
<b>Acting Deputy Chief Administrator:</b>	Erica Sangster