

SUMMARY REPORT OF INVESTIGATION

I. EXECUTIVE SUMMARY

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|----------------------------|---------------------------------|
| Date of Incident: | January 5, 2021 |
| Time of Incident: | 9:52 pm |
| Location of Incident: | 2800 W. 63 rd Street |
| Date of COPA Notification: | January 6, 2021 |
| Time of COPA Notification: | 9:46 am |

On the night of this incident Officer Angelo Dicera and Officer Andrew Kats saw [REDACTED] exit the gas station located at 2800 W. 63rd Street. Unprovoked, [REDACTED] approached and asked the officers why they were looking at him while reaching for the front of his waistband. Alarmed, the officers exited their vehicle and ordered [REDACTED] to stop reaching for his waist. After a brief struggle the officers were able to handcuff [REDACTED] repeatedly refused to provide the officers with his Driver’s License or his name and date of birth. [REDACTED] was taken into custody and transported to the 008th District Station for processing. [REDACTED] was subsequently released without charging, but he was issued traffic citations for Obstructing Identification and Unattended Vehicle/Motor Running.

II. INVOLVED PARTIES

| | |
|----------------------|---|
| Involved Officer #1: | Name: Angelo Dicera; Star #14902; Employee ID#[REDACTED]; Date of Appointment: July 27, 2018; Rank: Police Officer; Unit of Assignment: 716; DOB: [REDACTED], 1992; Gender: Male; Race: Hispanic. |
| Involved Officer #2: | Name: Andrew Kats; Star #17577; Employee ID#[REDACTED]; Date of Appointment: July 27, 2018; Rank: Police Officer; Unit of Assignment: 716; DOB: [REDACTED], 1991; Gender: Male; Race: White. |
| Subject #1: | Name: [REDACTED] DOB: [REDACTED], 1984; Gender: Male; Race: Black. |

III. ALLEGATIONS

| Officer | Allegation | Finding |
|-----------------------|---|-----------|
| Officer Angelo Dicera | 1. Arrested [REDACTED] without justification. | Unfounded |
| | 2. Searched [REDACTED] vehicle without permission or justification. | Unfounded |

| | | |
|---------------------|---|---------------|
| Officer Andrew Kats | 1. Arrested [REDACTED] without justification. | Unfounded |
| | 2. pulled [REDACTED] hair. | Not Sustained |
| | 3. Excessively pulled the handcuffs on [REDACTED] wrists. | Not Sustained |
| | 4. Searched [REDACTED] vehicle without permission or justification. | Unfounded |

IV. APPLICABLE RULES AND LAWS

Rules

1. Rule 6: Prohibits disobedience to an order or directive, whether written or oral.

Federal Laws

1. U.S. Constitution, Fourth Amendment.

V. INVESTIGATION¹

a. Interviews

In a statement to COPA on February 26, 2021, [REDACTED] stated that on the night of this incident he was alone in his vehicle when he stopped at the Citgo Gas Station at 2800 W. 63rd Street. [REDACTED] stated that he parked his vehicle, but left his vehicle’s engine running, as he went inside the gas station. While inside the gas station making his purchase [REDACTED] exited the gas station and saw two marked Chicago Police SUVs pull into the lot. [REDACTED] walked out of the gas station and saw one of the two police vehicles parked near his vehicle. As he approached his vehicle [REDACTED] asked the two officers³ seated inside the police vehicle, “What are you-all looking at?”⁴ [REDACTED] stated that he must have made the officers angry because they exited their vehicle and asked him, “What you reaching for?”⁵ [REDACTED] stated that at that moment he was attempting to place his cell phone into the front pocket of his jacket with one hand while reaching into a different jacket pocket with his other hand to retrieve his keys.

[REDACTED] stated that the officers approached him. [REDACTED] identified Officer Kats as the officer who pulled his hat off of his head, while at the same time grabbing and yanking a handful of his hair. [REDACTED] stated that he and the officers began to struggle with each

¹ COPA conducted a thorough and complete investigation. The following is a summary of the material evidence gathered and relied upon in our analysis.

² Attachments 14, 23.

³ NKA PO Angelo Dicera and PO Andrew Kats.

⁴ Transcript of [REDACTED] P. 11, L. 13.

⁵ Id; P. 11, L. 19.

other while at the same time he attempted to unlock his cell phone to record the incident. [REDACTED] repeatedly asked the officers what he did, but the officers only replied that he needed to stop resisting. Before the officers were able to handcuff him, [REDACTED] was able to stick his cell phone into his pocket. After [REDACTED] was handcuffed Officer Kats then walked to his ([REDACTED] vehicle and turned the engine off. [REDACTED] told Officer Kats that he did not consent to him entering and searching his vehicle. [REDACTED] added that the officers also opened his vehicle's trunk. Officer Kats explained that he was turning off the engine. Officer Kats then walked to the opposite side of the police vehicle and pulled [REDACTED] into the backseat of the officers' vehicle by his handcuffed arms.

[REDACTED] stated as the officers drove him to the police station, he was able to pull his cell phone out of his pocket and used it to record. After they arrived at the station the officers found the knife he carries when he walks his dog. [REDACTED] stated that he repeatedly asked why the officers arrested him, to which one of the officers answered, "Obstruction of Identification."⁶ [REDACTED] stated that while he was in the police station, he initially refused to sign any of the paperwork so he could be released because he wanted a sergeant to explain to him why he was arrested, but he eventually signed and was released. [REDACTED] stated that he was issued two traffic citations.

[REDACTED] stated he sustained an abrasion to his wrist that he attributed to the handcuffs. [REDACTED] added that he refused medical attention when it was offered to him while he was in police custody. [REDACTED] never sought medical attention on his own. [REDACTED] did not recall anyone taking photographs of his injury while he was in police custody, but he did take his own pictures of his injury.

In a statement to COPA, **Officer Angelo Dicera**⁷ stated that he and his partner, Officer Andrew Kats, were on routine patrol when they observed another unmarked police vehicle with its emergency lights activated pull into a gas station. Officer Dicera and Officer Kats followed the other police vehicle into the gas station's lot but were told by the other officers that the assistance was not needed. Officer Dicera did not know the identities of these officers. Officer Dicera stated that as he drove in reverse to exit the gas station's lot, he saw [REDACTED] exit the gas and immediately walk toward them. Officer Dicera stated that [REDACTED] said something unintelligible to the officers while simultaneously moving his arms and hands as if he was reaching for something at the front of his waist. Alarmed, Officer Dicera and Officer Kats immediately exited their vehicle and ordered [REDACTED] to stop reaching for his waist. [REDACTED] did not comply with the order. The officers grabbed [REDACTED] arms to handcuff him, but he stiffened his arms and struggled with the officers. After a short struggle the officers were eventually able to handcuff [REDACTED]. The officers then performed a protective pat-down, during which Officer Kats found a pocketknife on [REDACTED].

Officer Dicera stated that [REDACTED] did not have an identification on him. [REDACTED] refused to provide his name to the officers. Officer Dicera explained that [REDACTED] vehicle had been left running, so after [REDACTED] was placed under arrest, he (Officer Dicera) turned off the engine of [REDACTED] vehicle. Officer Dicera stated that [REDACTED]

⁶ Id; P. 15, L. 2.

⁷ Attachment 30.

identification was not in plain view inside the vehicle. Officer Dicera denied that he searched [REDACTED] vehicle. Officer Dicera and Officer Kats then transported [REDACTED] to the 008th District Station. After speaking with a police supervisor it was decided that [REDACTED] would be issued traffic citations and released on an I-Bond. Officer Dicera also stated that Officer Kats did not commit any of the allegations made against him.

In a statement to COPA, **Officer Andrew Kats**⁸ related essentially the same information as his partner, Officer Angelo Dicera.

b. Digital Evidence

The recordings from the **Body-Worn Cameras**¹⁰ belonging to Officer Dicera and Officer Kats showed the officers approach [REDACTED] who was standing near the front passenger-side quarter panel of their police vehicle. [REDACTED] was wearing a jacket with the hood pulled up over his head and was facing the officers' marked police vehicle. [REDACTED] appeared to pull away from the officers as the officers asked him what he was reaching for. [REDACTED] continued to pull away and struggle with the officers as they appeared to attempt to gain control of his arms. The officers repeatedly ordered [REDACTED] to stop fighting and resisting. The officers subsequently were able to handcuff [REDACTED] after which they asked him for his name and identification. [REDACTED] repeatedly refused to provide his name and identification. After [REDACTED] was handcuffed one of the officers told him that they stopped him because he said something to the officers while simultaneously reaching into his pockets. The recordings show Officer Dicera turned off the still running engine of [REDACTED] vehicle and locked the vehicle's doors. The officers then transported [REDACTED] to the 008th District Police Station. The officers are repeatedly heard explaining to [REDACTED] that he was under arrest for refusing to provide his name and identification upon request. The recordings showed that neither officer appeared to have searched the vehicle.

The **cell phone recordings**¹¹ provided by [REDACTED] did not show the events leading up to his arrest. The recording began with him already seated in the backseat of the officers' police vehicle. [REDACTED] repeatedly asked the officers why he was arrested. One of the officers replied that he was under arrest for obstruction of identification. [REDACTED] was then escorted into the police station without incident. The recordings did not show anything of additional evidentiary value.

Photographs¹² submitted to COPA by [REDACTED] showed what appeared to be an abrasion to his left wrist.

c. Documentary Evidence

⁸ Attachment 31.

¹⁰ Attachments 6, 8.

¹¹ Attachments 26-26.

¹² Attachments 17-21.

In his **Initiation Report**,¹⁴ Sgt. Carris Crawford stated that the complainant, ██████████ was in custody in the 008th District Station. ██████████ related that as he walked out of a gas station, he asked Officer Dicera and Officer Kats, “What are you looking at?” Officer Dicera and Officer Kats then ran up to ██████████ and handcuffed him. ██████████ stated that the officers never mentioned his car, which had been left running, nor did they ask for his Driver’s License. ██████████ alleged that “the little, short officer”¹⁵ pulled his hair.

The **Arrest Report**¹⁶ stated that Officer Angelo Dicera and Officer Andrew Kats saw ██████████ exit the gas station, located at 2800 W. 63rd Street, and walk towards his vehicle, which had been left running while unoccupied in violation of MCC-9-40-080. The officers detained ██████████ and asked for his Driver’s License. ██████████ repeatedly refused to provide the officers with his Driver’s License or his name and date of birth. ██████████ was taken into custody and transported to the 008th District Station for processing. ██████████ was subsequently released without charging, but he was issued traffic citations for Obstructing Identification and Unattended Vehicle/Motor Running.

The **Tactical Response Reports**¹⁷ stated that as Officer Dicera and Officer Kats placed ██████████ into custody he began to pull away from the officers. ██████████ also stiffened his arms as the officers handcuffed him. ██████████ was transported to the 008th District Station for processing, after which he complained of an injury to his right wrist.

Lt. Donald Jones interviewed ██████████ regarding his interaction with the involved officers. Lt. Jones attempted to read the Miranda Warnings, but ██████████ stated, “Yeah, yeah, I know all that shit.” ██████████ then immediately questioned Lt. Jones as to the procedure regarding when police officers see somebody leave their car running. Before Lt. Jones could finish responding, ██████████ complained of injury to his wrist, alleged that the officers pulled his hair and mistreated him for no reason. Lt. Jones noted a small amount of blood on ██████████ right wrist, which was handcuffed to the wall. EMS was called but ██████████ refused all medical attention. ██████████ also refused to be photographed by an Evidence Technician.

Lt. Jones learned that Officer Dicera and Officer Kats observed ██████████ leave his vehicle unattended with its engine running in the parking lot of a gas station. Upon returning, ██████████ approached the officers and yelled, “What the fuck y’all looking at?” Officer Dicera and Officer Kats exited their police vehicle and asked ██████████ for his Driver’s License. For their safety, the officers also asked ██████████ to remove his hands from his pockets. ██████████ refused but continued to approach the officers. Believing ██████████ may be armed, Officer Dicera and Officer Kats immediately attempted to detain him. The officers were able to handcuff ██████████ and placed him under arrest for traffic violations and failure to produce a license. ██████████ was transported to the 008th District Station. ██████████ was released without receiving the Obstructing Identification charge as he did not give false info, but rather refused.

¹⁴ Attachment 1.

¹⁵ NKA Officer Andrew Kats.

¹⁶ Attachment 2.

¹⁷ Attachments 11 & 12.

During processing ██████████ informed Sgt. Crawford that the involved officers injured his wrist and pulled his hair. ██████████ originally stated numerous times that he would refuse to sign an I-Bond, adding that he intended to “sit in jail.” ██████████ eventually signed the I-Bond and was released. Lt. Jones concluded that there was no evidence that ██████████ alleged injury was due to the use of force by the involved officers.

VI. ANALYSIS

It is recommended that **Allegation #1 against Officer Dicera and Allegation #1 against Officer Kats**; that Officer Angelo Dicera and Officer Kats arrested ██████████ without justification; be **Unfounded**. Officer Dicera and Officer Kats provided separate statements where each stated that ██████████ approached and spoke to them unprovoked. The officers described ██████████ physical actions as alarming because of the way he appeared to move his hands as if to reach for something at the front of his waistband as he approached. The recordings from the officers’ body-worn cameras support their statements, in that the officers immediately exit the vehicle and tell him to stop reaching for his waist. After the officers were able to handcuff ██████████ they explain why his actions were alarming, and when they ask for his name and identification he repeatedly refused to comply.

It is recommended that **Allegation #2**; that Officer Angelo Dicera searched ██████████ vehicle without permission or justification; be **Unfounded**. In his statement to COPA, Officer Dicera denied the allegation. The recording from Officer Dicera’s body-worn camera showed that he opened the driver’s door of ██████████ vehicle to shut off the engine, which was left running and unattended by ██████████ at the gas station. The recording showed that Officer Dicera was only inside the vehicle for several seconds and that he did not search the inside the vehicle. This investigation revealed that the allegation did not occur.

It is recommended that **Allegation #2**; that Officer Andrew Kats pulled ██████████ hair; be **Not Sustained**. The available body worn camera footage does not depict Officer Kats pulling ██████████ hair. In addition, Officer Kats denied the allegation, and Officer Dicera stated that Officer Kats did not pull ██████████ hair. This investigation revealed insufficient evidence to support or refute the allegation.

It is recommended that **Allegation #3**; that Officer Andrew Kats pulled the handcuffs on ██████████ wrists; **Not Sustained**. Both Officer Kats and Officer Dicera denied the allegation. Although ██████████ provided photographs of a small abrasion to his left wrist which he attributed to Officer Kats pulling on the handcuffs, the recordings from the officers’ body-worn cameras did not show this occurring. In addition, ██████████ refused medical treatment offered by CPD, so there are no medical records to shed light on this allegation. This investigation revealed insufficient evidence to support or refute the allegation.

It is recommended that **Allegation #4**; that Officer Andrew Kats searched ██████████ vehicle without permission or justification; be **Unfounded**. The recordings from the body-worn cameras belonging to Officer Kats and Officer Dicera showed that Officer Kats never searched or entered ██████████ vehicle. This investigation revealed no evidence to support the allegation.

VII. CONCLUSION

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

| Officer | Allegation | Finding |
|-----------------------|---|----------------|
| Officer Angelo Dicera | 1. Arrested [REDACTED] without justification. | Unfounded |
| | 2. Searched [REDACTED] vehicle without permission or justification. | Unfounded |
| Officer Andrew Kats | 1. Arrested [REDACTED] without justification. | Unfounded |
| | 2. pulled [REDACTED] hair. | Not Sustained |
| | 3. Excessively pulled the handcuffs on [REDACTED] wrists. | Not Sustained |
| | 4. Searched [REDACTED] vehicle without permission or justification. | Unfounded |

Approved:

[REDACTED]

4-7-2023

 Angela Hearts-Glass
 Deputy Chief Investigator

 Date