

SUMMARY REPORT OF INVESTIGATION

I. EXECUTIVE SUMMARY

Date of Incident:	July 24, 2015
Time of Incident:	6:45 P.M.
Location of Incident:	5000 Block of West Adams
Date of COPA Notification:	March 9, 2016
Time of COPA Notification:	2:36 P.M.

On July 24, 2015, at around 6:45 P.M., Officers Robert Needleman and Robert Peraino conducted a traffic stop in the area of 5058 West Adams. Approaching the vehicle, Officer Needleman walked to the front passenger side, while Officer Peraino took the driver's side. The officers first asked the occupants of the vehicle to provide identification, then asked the occupants to exit the vehicle. When the passenger, ██████ emerged from the car, ██████ butted his head into Officer Needleman's left shoulder. In response, the officers conducted an emergency takedown on ██████. As the three individuals struggled on the ground, ██████ kicked his legs and attempted to get up, then scratched Officer Needleman's neck and bit Officer Peraino on the wrist. ██████ also removed a semi-automatic handgun from his waistband, which the officers managed to take from ██████. Officer Peraino hit ██████ in the face with a closed fist. The struggle went on for approximately two minutes, whereupon ██████ was handcuffed and transported to lockup. Due to injuries suffered in the course of the arrest, ██████ was taken to Rush Hospital for treatment.

On March 9, 2016, the Independent Police Review Authority ("IPRA") received notice of a federal complaint pertaining to allegations of police misconduct. Specifically, this complaint (16 CV ██████) alleged that on July 24, 2015, ██████ was getting into the passenger side of a vehicle, during which time ██████ was approached by Officer Robert Needleman. According to the complaint, Officer Needleman asked to see ██████ identification, which ██████ provided. During this time, however, Officer Needleman allegedly pushed ██████ to the ground, "stroked [██████] and "messed up" ██████ eye. Once ██████ was on the ground, Officer Needleman's partner, Officer Paul Peraino¹, began kicking ██████ in the back and left shoulder. As a consequence of these actions, ██████ allegedly suffered from a "messed up" eye and broken shoulder. In order to determine the veracity of the allegations presented in this federal complaint, a series of investigative steps were taken by IPRA, later Civilian Office of Police Accountability ("COPA") investigators.² After reviewing all relevant evidence collected during this investigation, COPA finds that ██████ complaint is unsupported by the factual record.

¹ The complaint has the incorrect first name for Officer Peraino, his first name is not "Paul," as indicated in the complaint, it is "Robert."

² 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. Thus, this investigation, which began under IPRA, was transferred to COPA on September 15, 2017, and the recommendations set forth herein are the recommendations of COPA.

II. INVOLVED PARTIES

Involved Officer #1:	Robert Needleman; Star #17666; Employee # [REDACTED]; Appointment Date: March 15, 2013; Police Officer; Assigned to District 015, Detailed to Unit 313; DOB: [REDACTED] 1984; Male White
Involved Officer #2:	Robert Peraino; Star #15396; Employee # [REDACTED]; Appointment Date: October 5, 2012; Police Officer; Assigned to District 015, Detailed to Unit 313; DOB: [REDACTED], 1986; Male White
Subject #1:	[REDACTED] DOB: [REDACTED], 1992; Male Black

III. ALLEGATIONS

Officer	Allegation	Finding
Officer Needleman	1. It is alleged that on July 24, 2015, at approximately 6:45 P.M., in the vicinity of 5000 West Adams, PO Robert Needleman pushed [REDACTED] to the ground where Officer Needleman then stroked [REDACTED] in the face several times, in violation of Rules 2, 6, and 8.	1. Exonerated
Officer Peraino	1. It is alleged that on July 24, 2015, at approximately 6:45 P.M., in the vicinity of 5000 West Adams, PO Robert Peraino came running and started kicking [REDACTED] in the back and left shoulder over and over, in violation of Rules 2, 6, and 8.	1. Unfounded
Officers Needleman and Peraino	1. It is alleged that on July 24, 2015, at approximately 6:45 P.M., in the vicinity of 5000 West Adams, Officers Needleman and Peraino failed to respond to [REDACTED] request for medical care, in violation of Rules 2, 6, and 8.	1. Unfounded

IV. APPLICABLE RULES AND LAW

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:** Disobedience of an order or directive, whether written or oral.
3. **Rule 8:** Disrespect to or maltreatment of any person, while on or off duty.

General Orders

1. **G03-02 "Use of Force Guidelines," Effective 01 October 2002 through 15 October 2017**

- II. General Information

Chapter 720, Article 5, Section 7-5, of the Illinois Compiled Statutes provides in part:

'A peace officer...need not retreat or desist from efforts to make a lawful arrest because of resistance or threatened resistance to the arrest. He is justified in the use of any force which he reasonably believes to be necessary to effect the arrest and of any force which he reasonably believes to be necessary to defend himself or another from bodily harm while making the arrest.'

- III. Department Policy [...]

B. Department members will use an amount of force reasonably necessary based on the totality of the circumstances to perform a lawful task, effect an arrest, overcome resistance, control a subject, or protect themselves or others from injury.

C. As set forth by the United States Supreme Court in *Graham v. Connor*, 490 U.S. 386 (1989), the central inquiry in every use of force is whether the amount of force used by the officer was objectively reasonable in light of the particular circumstances faced by the officer.

2. G03-02-02 “Force Options,” Effective 11 March 2015 through 01 January 2016**I. Purpose**

This directive:

- A. Explains the various levels of force options in the Use of Force Model that are appropriate for Department members’ use when interacting with cooperative subjects, resistive subjects (“resisters”), and assailants.

[...]

III. Level of Force Response Options Guidelines

[...]

- C. Assailant: a subject who is using or threatening the imminent use of force against himself/herself or another person. The Use of Force Model categorizes assailants into three categories.

- 1. Actions are aggressively offensive without weapons. This type of assailant is one who places a member in fear of a battery and includes advancing on the member in a threatening manner or closing the distance between the assailant and the member, thereby reducing the member’s reaction time. In addition to the response options in Items III-A and III-B, the following response options are appropriate when dealing with this type of assailant:

- a. Direct Mechanical

Direct mechanical techniques are hard, concentrating, striking movements such as punching and kicking, or powerful locks and pressures. These techniques can be combined with take-downs or pins against the ground or other objects.

V. INVESTIGATION

In order to fully investigate the allegations that derive from 16 CV 0 [REDACTED], and which form the basis of this log number, a series of evidentiary steps were taken by IPRA—later COPA—investigators. These evidentiary steps are detailed as follows.

As the incident was recorded under RD #HY354164, the relevant **Original Case Incident Report, Case Supplementary Report, and Arrest Report** were obtained from the Chicago Police Department.³ From the narrative of the Original Case Incident Report of RD #HY354164, Officers Needleman and Peraino provide the following account of the July 24, 2015 incident.⁴ While traveling westbound on Adams, officers observed a Buick with plate # [REDACTED] the driver of which was not wearing his seatbelt. In response to this traffic violation, officers pulled over the Buick, then asked the driver to produce a valid license. As the driver was unable to provide valid licensing, the vehicle occupants were asked to exit the vehicle.

When [REDACTED] emerged from the vehicle, Officer Needleman began to pat down [REDACTED] but [REDACTED] attempted to push away from Officer Needleman. At this point, Officers Needleman and Peraino conducted an emergency takedown of [REDACTED] during which time [REDACTED] managed to remove a black, semi-automatic handgun from his waistband. While Officers took [REDACTED] into custody, [REDACTED] continued to struggle, wherein the gun fell to the ground. As he was detained, [REDACTED] scratched Officer Needleman on the neck and bit Officer Peraino on the left wrist; Officer Peraino then struck [REDACTED] in the face with a closed fist. Once [REDACTED] was properly detained, the handgun was recovered and inventoried. Evidence records indicate that the gun had seven live rounds, one of which was in the chamber. Arrest Report CB #19157306 states “[REDACTED] has an injury to his right eye.”⁵ Mugshot photos for this CB number show [REDACTED] with a gauze over his right eye, but no other injuries are readily apparent.⁶

Tactical Response Reports (“TRRs”) pertaining to the incident were generated by three officers on scene—Leslie⁷, Peraino, and Needleman.⁸ In these reports, the officers detail the physical force they utilized against [REDACTED] on July 24, 2015. According to Officer Leslie, [REDACTED] did not follow verbal direction, stiffened, and pulled away; in response, Officer Leslie utilized his presence, verbal commands, and take down/emergency handcuffing.⁹ Officers Peraino and Needleman state that [REDACTED] acted as a resister by not following verbal direction, stiffening, fleeing, and pulling away; in response, Officers Peraino and Needleman used their presence, verbal commands, escort holds, wristlock, armbar, and take down/emergency handcuffing.¹⁰ [REDACTED] was also recorded as an assailant on Officer Peraino’s TRR, prompting Officer Peraino to employ a closed hand strike/punch.¹¹ Officer Peraino notes on his TRR that [REDACTED] “pulled a semi-auto

³ Attachments 5-8.

⁴ Attachment 7.

⁵ Attachment 5.

⁶ Attachment 6.

⁷ Officer Ross Leslie, Star 2192.

⁸ Attachments

⁹ Attachment 9.

¹⁰ Attachments 10 and 12.

¹¹ Attachment 10.

handgun from wasteband [*sic*] and bit r/o in the left wrist while attempting to place subject into custody.”¹²

As Officers Peraino and Needleman were injured during the arrest of ██████ both officers filled out **Officer’s Battery Reports (OBRs)**.¹³ In the narrative of Officer Peraino’s OBR, it is noted that ██████ bit Officer Peraino’s left wrist, causing Officer Peraino to employ a close hand strike to the subject’s face.¹⁴ According to Officer Needleman’s OBR, ██████ pulled a weapon from his waistband, then scratched Officer Needleman “about the neck.”¹⁵ In response, Officer Needleman conducted an emergency take-down on ██████¹⁶ Photographs of all injured parties—Officers Needleman and Peraino, as well as ██████ were taken in the immediate aftermath of the July 24, 2015 incident.¹⁷ The most relevant photographs are depicted as following:

¹² *Id.*

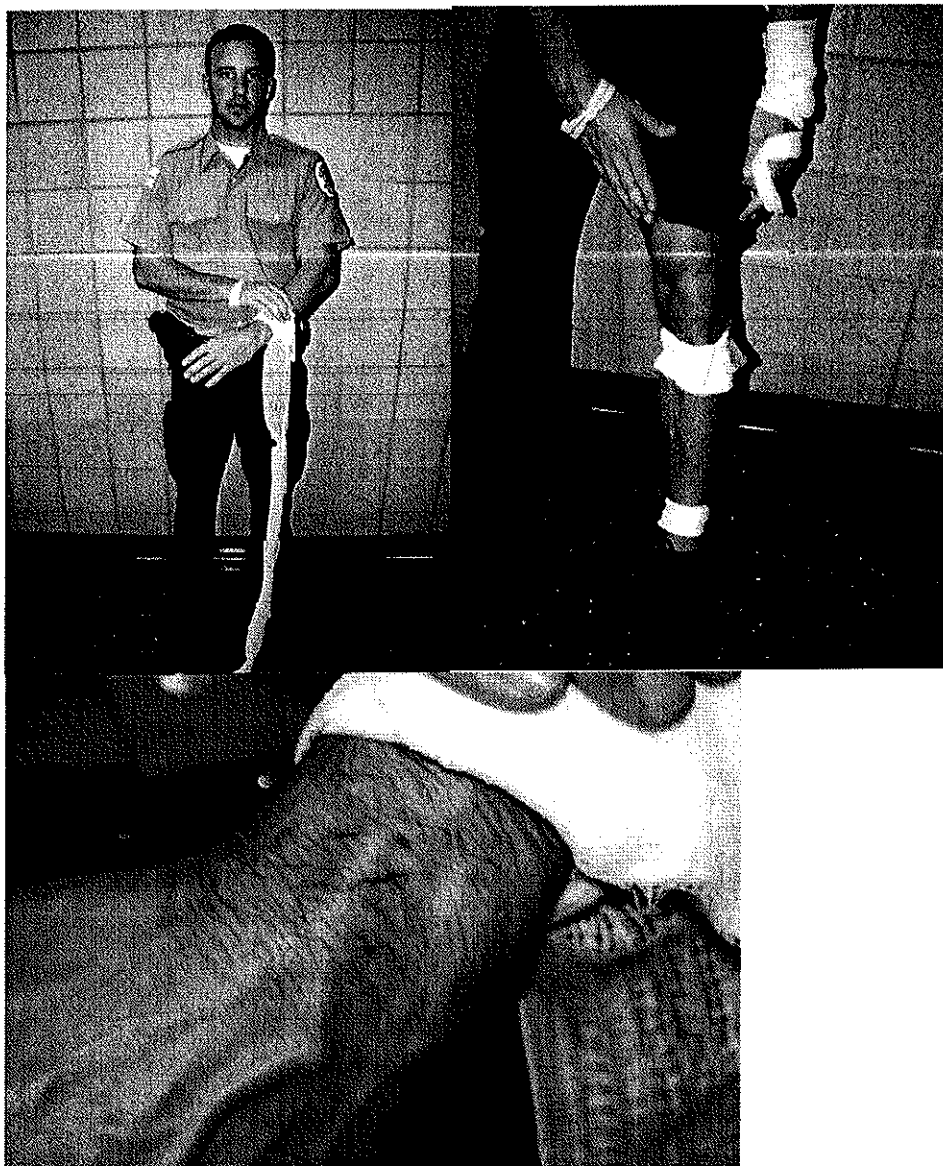
¹³ Attachments 11, 12.

¹⁴ Attachment 11.

¹⁵ Attachment 12.

¹⁶ *Id.*

¹⁷ Attachments 22-24.



Figures 1-3: *Injuries suffered by Officer Peraino during July 24, 2015 incident.*

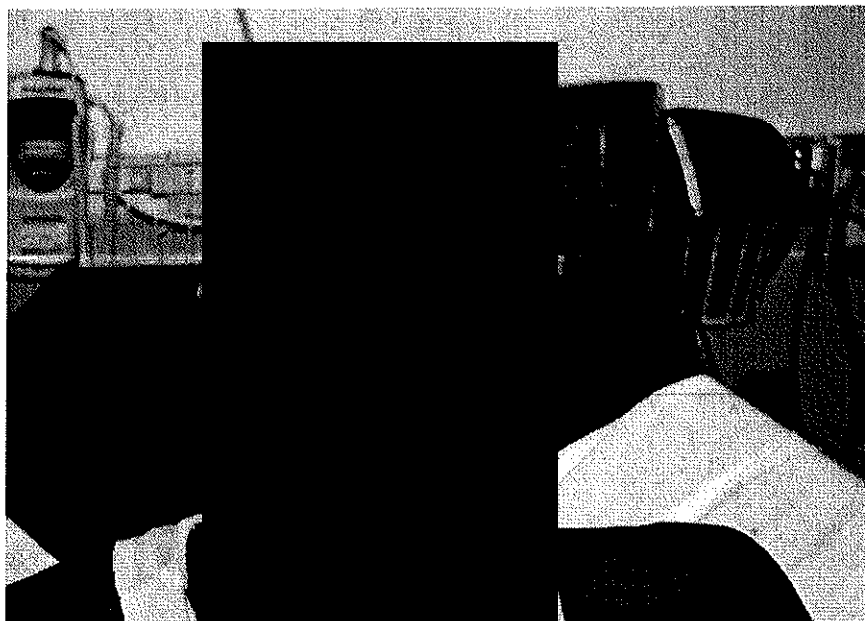


Figure 4: Injury to [REDACTED] right eye.

After his arrest, CPD transported [REDACTED] to Rush University Medical Center, where he was treated for an injury to his eye. Intake notes from Rush state that on July 25, 2015 at 7:48 P.M., [REDACTED] complained of a “left eye laceration after being punched in the eye by the police. Pt reports pain to that eye and states he can barely see out of it.”¹⁸ [REDACTED] was discharged from Rush five hours later, at which time the attending nurse noted “RN and PCT cleaned/irrigated pt’s right eye with NS. Pt was seen by ophthalmologist and is deemed ok to go. PN placed ointment on eye and covered his eye with gauze.”¹⁹ Further notes in [REDACTED] medical records clarify that the injury was to [REDACTED] right eye.²⁰ Medical staff took an X-ray image of [REDACTED] left shoulder, but found no signs of acute fracture or dislocation.²¹ [REDACTED] shoulder pain was ultimately diagnosed as “likely strain.”²²

In-car camera footage from Unit 1504, showing the July 24, 2015 incident, was provided to IPRA.²³ This footage, which begins at 6:48:16 P.M., opens with Unit 1504 pulling over a dark colored Buick. Unit 1504 pulls in behind the Buick, after which time two officers approach the Buick, one on the passenger side and one on the driver’s side. By 6:48:59 P.M., the driver’s side officer opens the driver’s door; two seconds later, the passenger side officer opens the passenger’s door. The occupants of the Buick emerge from the vehicle, but as the passenger side officer attempts to conduct a pat-down, the passenger butts his head into the officer’s left shoulder. As the passenger side officer attempts to gain control, the passenger flails his arms, twists his torso, and buckles his knees. At 6:49:12 P.M., the driver’s side officer moves in to assist his partner, while the driver of the Buick watches.

¹⁸ Attachment 27, page 6.

¹⁹ *Id.*

²⁰ *Id.*, generally.

²¹ *Id.*, page 10.

²² *Id.*

²³ Attachment 33.

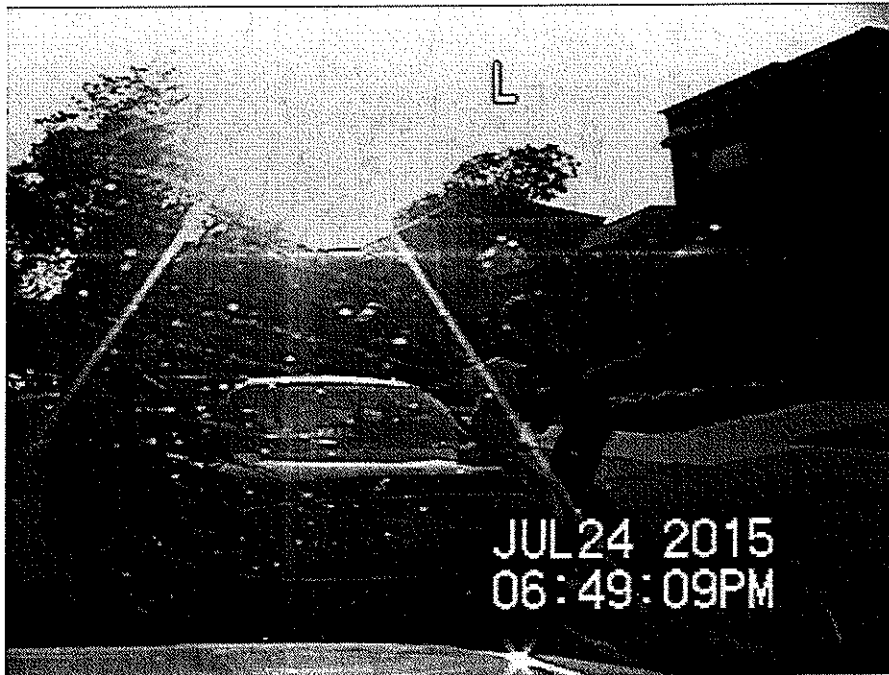


Figure 5: Still frame from Unit 1504 dash camera



Figure 6: Still frame from Unit 1504 dash camera

The footage shows that it takes nearly two minutes before [REDACTED] is subdued, handcuffed, and taken from the scene. During this time, he moves around on the ground, kicking his legs, attempting to stand up, and dragging officers back to the ground. Bystanders begin to appear on the scene at 6:49:33 P.M., and at 6:49:41 P.M., one of the officers appears to grab something to his side, in the parkway grass. The officer then brings the item toward his torso, off of the right hand frame of reference.



Figure 7: A bystander has appeared on the left hand side of the frame of reference, while one of the officers can be seen reaching for an item in the parkway.

The officers struggle with [REDACTED] for another forty seconds, when a white-shirted officer approaches and assists with his apprehension. Another thirty seconds pass before the scene appears secure, at which time [REDACTED] is escorted away by officers.



Figure 8: An officer wearing a white shirt approaches the scene, which has now moved off the right hand field of view.

Beyond the documentation that was obtained during the preliminary investigation of Log 1079579, **four depositions were conducted during the discovery stage of 16 C [REDACTED].**²⁴ Three of these depositions were of Rush Hospital medical staff, all of whom were involved in the July 24, 2015 diagnosis and treatment of [REDACTED], a radiologist at Rush, was deposed regarding his analysis of [REDACTED] right eye socket.²⁵ According to [REDACTED], CT scans showed no fractures to [REDACTED] right eye socket.²⁶ [REDACTED] went on to note that the contents of [REDACTED] orbit, including eyeball and supporting structure, appeared normal.²⁷ Radiologist [REDACTED] interpreted X-ray images of [REDACTED] left shoulder, and was deposed regarding the conclusions he reached.²⁸ [REDACTED] noted that the X-rays showed no fracture or dislocation to [REDACTED] left shoulder.²⁹ Additionally, [REDACTED], an ophthalmology physician at Rush, was deposed regarding her examination of [REDACTED].³⁰ After examining [REDACTED] eyes, [REDACTED] found that [REDACTED] had no need for an immediate medical procedure.³¹ In reaching this conclusion, [REDACTED] reviewed a CT scan of [REDACTED] eyeball orbits, which showed no sign of orbital fracture or other abnormalities.³² [REDACTED] did observe swelling to [REDACTED] eyelids, but not to a degree that would cause detrimental health effects.³³

Lastly, [REDACTED] **was deposed regarding his involvement in the July 24, 2015 incident.**³⁴ According to [REDACTED] he was coaching a youth basketball tourney on the date of the incident, during which time he left to purchase tobacco products. After concluding this errand, [REDACTED] and [REDACTED] walked toward a car; however, they were stopped by Officer Needleman before entering the vehicle. Once [REDACTED] and [REDACTED] were inside the vehicle, Officer Needleman and his partner asked for identification, prompting [REDACTED] and [REDACTED] to produce their IDs. Officer Needleman then ordered the two men out of the car, causing [REDACTED] and [REDACTED] to reemerge from the vehicle. At this point, Officer Needleman slammed [REDACTED] against the body of [REDACTED] car. When asked, [REDACTED] denied throwing any punches, stating “it was no resisting arrest. None of that. I did not touch them.” However, [REDACTED] did acknowledge having an unlicensed, loaded gun with him at the time of arrest.

After slamming [REDACTED] against the vehicle, Officer Needleman brought [REDACTED] to the ground and “pulled [REDACTED] arm all the way over—all the way over my head like towards my back way and his partner hit me in the face.” During the course of this incident, officers “let [REDACTED] get back in the car and drive off.” When asked whether the officers said, “hey, you can leave,” [REDACTED] stated, “hell yeah.” In an effort to clarify the point, [REDACTED] was asked, “you are saying that because they didn’t like beat him up that, to you, means they let him go, right?” [REDACTED] responded in the affirmative. Subsequent to the incident, [REDACTED] was transported to Rush Hospital, where staff informed [REDACTED] that he had a fractured shoulder.

²⁴ Attachments 38 and 40, as well as Deposition of [REDACTED] [REDACTED] [REDACTED] or.

²⁵ Attachment 38.

²⁶ *Id.*

²⁷ *Id.*

²⁸ Attachment 40.

²⁹ *Id.*

³⁰ Deposition of [REDACTED] [REDACTED] [REDACTED].

³¹ *Id.*

³² *Id.*

³³ *Id.*

³⁴ Attachment 39.

On July 12, 2017, Judge Jorge L. Alonso issued an opinion and order on 16 CV [REDACTED], granting Defendants' Motion for Summary Judgment.³⁵ In this order, the Court provided the bases for reaching its decision, addressing both [REDACTED] excessive force and indifference to medical care claims. Regarding excessive force, the Court noted "[d]efendants' video, which captured the majority of plaintiff's brief scuffle with the officers, contradicts the account set forth in plaintiff's complaint." The Court went on to note:

"[t]he video shows that officers responded to an altercation plaintiff initiated, and nothing in the video remotely hints at unreasonable force. After pulling over the vehicle in which plaintiff was a passenger, defendants approached each side of the car. After the driver and plaintiff exited the vehicle, plaintiff abruptly head-butted Needleman when the officer began to attempt patting him down. Seeing the other two tussle, defendant Peraino immediately ran to assist Needleman. Other officers arrived on the scene and joined the fray as bystanders gathered to watch and (in some cases) record the incident. Defendants had plaintiff on the ground and in handcuffs less than three minutes after the stop. A minute later, several officers calmly walked plaintiff out of view, presumably to the squad car.

The Court is satisfied that no reasonable jury could view the dashcam footage and believe plaintiff's version of the events. The Supreme Court has held that where video evidence contradicts a plaintiff's account, the court should not accept the plaintiff's story for purposes of summary judgment. [...] The video footage leaves no doubt that defendants responded reasonably in a charged situation in which an armed suspect was attempting to resist, and at the very least break away from, a law enforcement officer.

[...]

The camera was able to record most of the short-lived struggle. No gratuitous blows appear to have been inflicted, and no one is seen kicking plaintiff, as alleged in the complaint, or punching him, as he asserts in his brief opposing summary judgment. Plaintiff does not suggest that the video was altered, nor does he contend that a rational jury could interpret the video as depicting unlawful force. The officers had plaintiff under control in under two minutes and led him away not long after. Irrespective of the fact that the Court is unable to view every second of the skirmish, insufficient time elapsed for the officers to engage in the attack plaintiff describes in his complaint. The very brief duration of the struggle, the presence of many onlookers—both law enforcement officers and bystanders with cameras, defendants' calm and measured response while in the camera frame, and plaintiff's complete lack of apparent distress when he walked away with officers following his arrest, all preclude a finding that defendants engaged in unnecessary force."

Regarding inattention to medical care, the Court states:

"Plaintiff has shown neither significant injury nor unreasonable delay. The video footage shows plaintiff walking with officers following his arrest. He had no visible injuries, and did not grimace in pain or otherwise show distress. Plaintiff was arrested at about 6:51 p.m. Immediately following his processing at an area police headquarters, he was taken to

³⁵ Federal Court Ruling, 16 CV 0 [REDACTED].

Rush University Medical Center for evaluation and treatment. Police officers transported plaintiff to Rush at 7:15 p.m.—less than a half hour after he was placed under arrest. X-rays and CT scans revealed no broken or fractured bones. The doctor who conducted an ocular examination similarly found no issues with respect to plaintiff’s vision.”

VI. ANALYSIS

During the July 24, 2015 incident, Officers Needleman and Peraino conducted an emergency takedown of ██████ causing ██████ to suffer several injuries. In his federal complaint, ██████ specifically delineates his allegations against Chicago Police Officers Needleman and Peraino, namely 1) Officer Needleman “pushed [██████] to the ground where [Officer Needleman] then stroked [██████] in the face several times”; 2) Officer Peraino “came running and started kicking [██████] in the back and left shoulder over and over”; and, 3) The officers failed to respond to ██████ request for medical care. Given the proliferation of documentation already collected in this investigation, COPA has ascertained with a preponderance of the evidence that these alleged activities were not in violation of CPD policy. Consequently, COPA determined that conducting interviews of involved parties would be a misappropriation of scarce municipal resources, and unnecessary for the Agency to reach determinative findings. COPA’s recommended finding on these allegations follows, along with COPA’s basis for reaching these findings.

Allegation #1: **It is alleged that on July 24, 2015, at approximately 6:45 P.M., in the vicinity of 5000 West Adams, PO Robert Needleman pushed ██████ to the ground where Officer Needleman then stroked ██████ in the face several times, in violation of Rules 2, 6, and 8.**

With regard to Allegation #1, COPA recommends a finding of **Exonerated**. From the evidence gathered during the course of this investigation, it is apparent that Officer Needleman did take ██████ to the ground, and did punch ██████ in the face. When using such degrees of force, an officer’s actions are guided by Chicago Police Department General Order G03-02-02, “Force Options.” Under this directive, an officer is permitted to employ “direct mechanical techniques” against assailants, including “hard, concentrating, striking movements such as punching and kicking, or powerful locks and pressures. These techniques can be combined with take-downs or pins against the ground or other objects.” The directive goes on to define assailants as “a subject who is using or threatening the imminent use of force against himself/herself or another person.”

In reviewing the evidence collected in this investigation, there is no question that at the time of Officer Needleman’s use of force, ██████ would have been categorized as an assailant under the Force Options directive. Dash camera footage from Unit 1504 shows ██████ headbutting Officer Needleman, at which point Officer Needleman takes ██████ down to the ground. For approximately two minutes, ██████ can be seen flailing his arms and legs, while repeatedly attempting to get up off the ground. Moreover, the case report, TRRs, and OBRs consistently state that ██████ attempted to remove a loaded gun from his waistband, and ██████ acknowledged in his deposition that he had a loaded gun on his person at the time of arrest. The decisions of the United States District Court for the Northern District of Illinois, Eastern Division do not dictate the outcome of COPA’s investigation. Yet it should be noted that a federal court,

using the same standard of evidence as COPA, found [REDACTED] excessive force allegations to be groundless.

With these circumstances in mind, COPA finds a preponderance of the evidence to suggest that [REDACTED] acted as an assailant during the July 24, 2015 incident. As the Force Options directive permits take-downs and punching against assailants, Officer Needleman's actions would have been justified under these circumstances, and Allegation #1 should be **Exonerated**.

Allegation #2: It is alleged that on July 24, 2015, at approximately 6:45 P.M., in the vicinity of 5000 West Adams, PO Robert Peraino came running and started kicking [REDACTED] in the back and left shoulder over and over, in violation of Rules 2, 6, and 8.

With regard to Allegation #2, COPA recommends a finding of **Unfounded**. In reviewing the wealth of evidence collected during this investigation, there is no indication that Officer Peraino kicked [REDACTED] in the back and left shoulder. Of principal importance to this allegation is the dash camera footage from Unit 1504, depicting—for all intents and purposes—the entire incident between [REDACTED] and Chicago Police officers. Although the encounter moves out of frame at certain points, it goes beyond the bounds of credibility to suggest that Officer Peraino is kicking [REDACTED] during these moments. This presumption is bolstered when [REDACTED] is ultimately handcuffed and walked in front of the dash camera, wherein [REDACTED] displays no outward signs of distress or physical pain. Considering that [REDACTED] describes himself at deposition as “crying in pain” after the incident, he demonstrates incredible composure in the dash camera footage.

Medical records from Rush Hospital also offer no evidence that [REDACTED] was kicked in the back or shoulder. From X-ray images of [REDACTED] left shoulder, the Rush radiologist found no evidence whatsoever of fracture or dislocation, let alone the “breaking” alleged in [REDACTED] complaint. When faced with such empirical medical evidence, [REDACTED] allegations regarding kicking simply do not hold up. Again, the decisions of the United States District Court for the Northern District of Illinois, Eastern Division do not dictate the outcome of COPA's investigation. Yet it should be noted that a federal court, using the same standard of evidence as COPA, found [REDACTED] excessive force allegations to be groundless.

With these circumstances in mind, COPA finds a preponderance of the evidence to suggest that Officer Peraino did not kick [REDACTED] in the back and left shoulder over and over. In consideration thereof, Allegation #2 must be **Unfounded**.

Allegation #3: It is alleged that on July 24, 2015, at approximately 6:45 P.M., in the vicinity of 5000 West Adams, Officers Needleman and Peraino failed to respond to [REDACTED] request for medical care, in violation of Rules 2, 6, and 8.

With regard to Allegation #3, COPA recommends a finding of **Unfounded**. At deposition, [REDACTED] indicates that he complained of pain for “a few hours” after the incident, at which point [REDACTED] was taken to Rush Hospital. However, no independent evidence supports this claim. In-car camera footage and relevant police reports show the incident occurring at approximately 6:45

P.M., and medical transport ordered for [REDACTED] at 7:19 P.M. [REDACTED] was received by Rush Hospital at 7:40 P.M., less than an hour after [REDACTED] encounter with Officers Needleman and Peraino. Considering the rapid turnaround between arrest, lockup, and hospital, Garrett’s allegation regarding inadequate medical care simply does not hold up.

Again, the decisions of the United States District Court for the Northern District of Illinois, Eastern Division do not dictate the outcome of COPA’s investigation. Yet it should be noted that a federal court, using the same standard of evidence as COPA, found [REDACTED] inattention to medical care allegations to be groundless. With these circumstances in mind, COPA finds a preponderance of the evidence to suggest that Officers Peraino and Needleman properly responded to Garrett’s medical needs. In consideration thereof, Allegation #3 must be **Unfounded**

VII. CONCLUSION

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

Officer	Allegation	Finding
Officer Needleman	1. It is alleged that on July 24, 2015, at approximately 6:45 P.M., in the vicinity of 5000 West Adams, PO Robert Needleman pushed [REDACTED] to the ground where Officer Needleman then stroked [REDACTED] in the face several times, in violation of Rules 2, 6, and 8.	1. Exonerated
Officer Peraino	1. It is alleged that on July 24, 2015, at approximately 6:45 P.M., in the vicinity of 5000 West Adams, PO Robert Peraino came running and started kicking [REDACTED] in the back and left shoulder over and over, in violation of Rules 2, 6, and 8.	1. Unfounded
Officers Needleman and Peraino	1. It is alleged that on July 24, 2015, at approximately 6:45 P.M., in the vicinity of 5000 West Adams, Officers Needleman and Peraino failed to respond to [REDACTED] request for medical care, in violation of Rules 2, 6, and 8.	1. Unfounded

Approv



Erica Sangster
Acting Deputy Chief Administrator – Chief Investigator

Date

8/14/2018

Appendix A

Assigned Investigative Staff

Squad#:	15
Investigator:	Dane Rohrer
Supervising Investigator:	Anthony Becknek
Acting Deputy Chief Administrator:	Erica Sangster