

SUMMARY REPORT OF INVESTIGATION¹

I. EXECUTIVE SUMMARY

Date of Incident:	March 8, 2015
Time of Incident:	7:10 pm
Location of Incident:	10158 S. Green Street, Chicago, IL 60643
Date of COPA Notification:	August 11, 2017
Time of COPA Notification:	12:18 pm

In a *Pro Se* Civil Complaint, [REDACTED] alleged that Sergeants Joseph Montes De Oca² and Sean Carroll,³ and Officers Antonio Ponce and Stephen Storck (collectively “the Officers”) committed the various acts of misconduct detailed below while falsely arresting him. [REDACTED] never responded to requests to provide a statement to COPA.

During this investigation, the evidence COPA located detailed [REDACTED] March 8, 2015 arrest by the accused officers. The evidence did not in any way reflect any of the other information contained in [REDACTED] complaint.

II. INVOLVED PARTIES

Involved Sergeant #1:	Sergeant Joseph Montes De Oca Star #2247 / Employee ID # [REDACTED] Date of Appointment: June 4, 2007 Unit 004 Date of Birth: [REDACTED] 1983 Male / Hispanic
Involved Sergeant #2:	Sergeant Sean Carroll Star #2184 / Employee ID # [REDACTED] Date of Appointment: April 28, 2008 Unit 006 Date of Birth: [REDACTED] 1982 Male / White
Involved Officer #1:	Police Officer Antonio Ponce Star #15414 / Employee ID # [REDACTED]

¹On 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.

²Sgt. Montes De Oca was promoted on March 16, 2017 and will be referred to by his current rank.

³Sgt. Carroll was promoted on February 1, 2016 and will be referred to by his current rank

Involved Officer #2:	Date of Appointment: November 1, 1991 Unit 022 Date of Birth: [REDACTED] 1967 Male / Hispanic
Subject #1:	Police Officer Stephen Storck Star #15626 / Employee # [REDACTED] Date of Appointment: July 7, 1997 Unit 022 Date of Birth: [REDACTED], 1967 Male / White
	[REDACTED] Date of Birth: [REDACTED], 1982 Male / Hispanic

III. ALLEGATIONS

Officer	Allegation	Finding
Sergeant Joseph Montes De Oca	1. Grabbed [REDACTED] arm without justification, in violation of Rule 8.	Not Sustained.
	2. "Slammed" [REDACTED] against a parked vehicle, in violation of Rule 8.	Not Sustained.
	3. Twisted [REDACTED] arm, in violation of Rule 8.	Not Sustained.
	4. "Slammed" [REDACTED] head against a parked vehicle, in violation of Rule 8.	Not Sustained.
	5. Kneed [REDACTED] in the stomach, in violation of Rule 8.	Not Sustained.
	6. "Threw" [REDACTED] into a CPD vehicle, in violation of Rule 8.	Not Sustained.
	7. Unlawfully detained and arrested [REDACTED] in violation of Rule 1.	Unfounded.
	8. Failed to prevent fellow officers from engaging in misconduct, in violation of Rule 2.	Not Sustained.
Sergeant Sean Carroll	1. Grabbed [REDACTED] arm without justification, in violation of Rule 8.	Not Sustained.

	<ol style="list-style-type: none"> 2. "Slammed" ██████████ against a parked vehicle, in violation of Rule 8. 3. Twisted ██████████ arm, in violation of Rule 8. 4. "Slammed" ██████████ head against a parked vehicle, in violation of Rule 8. 5. Kneed ██████████ in the stomach, in violation of Rule 8. 6. "Threw" ██████████ into a CPD vehicle, in violation of Rule 8. 7. Unlawfully detained and arrested ██████████ ██████████ in violation of Rule 1. 8. Failed to prevent fellow officers from engaging in misconduct, in violation of Rule 2. 	<p>Not Sustained.</p> <p>Not Sustained.</p> <p>Not Sustained.</p> <p>Not Sustained.</p> <p>Not Sustained.</p> <p>Unfounded.</p> <p>Not Sustained.</p>
<p>Police Officer Antonio Ponce</p>	<ol style="list-style-type: none"> 1. Grabbed ██████████ arm without justification, in violation of Rule 8. 2. "Slammed" ██████████ against a parked vehicle, in violation of Rule 8. 3. Twisted ██████████ arm, in violation of Rule 8. 4. "Slammed" ██████████ head against a parked vehicle, in violation of Rule 8. 5. Kneed ██████████ in the stomach, in violation of Rule 8. 6. "Threw" ██████████ into a CPD vehicle, in violation of Rule 8. 7. Unlawfully detained and arrested ██████████ ██████████ in violation of Rule 1. 8. Failed to prevent fellow officers from engaging in misconduct, in violation of Rule 2. 	<p>Not Sustained.</p> <p>Not Sustained.</p> <p>Not Sustained.</p> <p>Not Sustained.</p> <p>Not Sustained.</p> <p>Not Sustained.</p> <p>Unfounded.</p> <p>Not Sustained.</p>

Police Officer Stephen Storck	1. Grabbed [REDACTED] arm without justification, in violation of Rule 8.	Not Sustained.
	2. "Slammed" [REDACTED] against a parked vehicle, in violation of Rule 8.	Not Sustained.
	3. Twisted [REDACTED] arm, in violation of Rule 8.	Not Sustained.
	4. "Slammed" [REDACTED] head against a parked vehicle, in violation of Rule 8.	Not Sustained.
	5. Kneed [REDACTED] in the stomach, in violation of Rule 8.	Not Sustained.
	6. "Threw" [REDACTED] into a CPD vehicle, in violation of Rule 8.	Not Sustained.
	7. Unlawfully detained and arrested [REDACTED] in violation of Rule 1.	Unfounded.
	8. Failed to prevent fellow officers from engaging in misconduct, in violation of Rule 2.	Not Sustained.

IV. APPLICABLE RULES AND LAWS

Rules

1. Rule 1: Prohibits violation of any law or ordinance.
2. Rule 2: Prohibits any action or conduct which impedes the Department's efforts to achieve its policy and goals or brings discredit upon the Department.
3. Rule 8: Prohibits disrespect to or maltreatment of any person, while on or off duty.

Federal Laws

1. United States Constitution, Amendment IV

Municipal Code of Chicago

1. 9-60-080: Prohibits Walking on a Public Roadway

V. INVESTIGATION⁴

⁴ COPA conducted a thorough and complete investigation. The following is a summary of the material evidence gathered and relied upon in our analysis.

a. Interviews⁵

In a **statement to COPA⁶** on July 13, 2018, **Accused Sergeant Sean Carroll**, stated that he and his partner, Sgt. Joseph Montes De Oca, observed █████ walking in the street. The Officers then stopped █████ who was unable to provide any identification. The Officers took him into custody for walking in the roadway. Once in custody, a search of █████ revealed cannabis. █████ was transported to 022nd District Lockup and identified. Once he was identified, it was discovered █████ had an active Investigative Alert for theft of a firearm. █████ was charged with Walking Along Roadways, Possession of Cannabis, and Theft.

Sgt. Carroll denied using any force to detain and arrest █████ Additionally, Sgt. Carroll did not observe any of the other Officers use any force to detain and arrest █████ Sgt. Carroll explained had force been used it would have been documented in █████ Arrest Report, the Original Case Incident Report, and a Tactical Response Report. Sgt. Carroll added that he did not independently recall his interaction with █████ but after reviewing the associated CPD reports he recalled the interaction and that he considered the interaction to be a rather ordinary occurrence. Sgt. Carroll denied all the allegations made against him.

In a **statement to COPA⁷** on July 18, 2018, **Accused Sergeant Joseph Montes De Oca**, provided essentially the same information as Sgt. Carroll. Additionally, Sgt. Montes De Oca denied all the allegations made against him.

In a **statement to COPA⁸** on June 4, 2018, **Accused Officer Stephen Storck**, stated that even after reviewing █████ Arrest Report and the Original Case Incident Report, he had no recollection of ever interacting with █████ Additionally, Storck denied all the allegations made against him. Finally, Officer Storck characterized the interaction depicted in █████ Arrest Report as a common occurrence while working as Tactical Officer.

In a **statement to COPA⁹** on June 4, 2018, **Accused Officer Antonio Ponce** provided essentially the same information as Officer Storck. Additionally, Officer Ponce denied all the allegations made against him.

b. Documentary Evidence

In a **Pro Se Civil Complaint¹⁰** █████ made the above listed allegations. The complaint did not identify which of the Officers engaged in each alleged act of misconduct. Additionally, the complaint did not provide any significant details about the alleged acts of misconduct but did allege the force used resulted in severe pain and loss of consciousness. Further, the only information in the complaint that matched CPD records was the name of the Officers and the date, time, and

⁵ █████ did not respond to requests for a statement.

⁶ Att. 42.

⁷ Att. 46.

⁸ During the statement the date was stated as May 4, 2018, when in fact the statement was June 4, 2018. Att. 35.

⁹ During the statement the date was stated as May 4, 2018, when in fact the statement was June 4, 2018. Att. 36.

¹⁰ █████ complaint was attested to and notarized; therefore, COPA accepted the complaint as an affidavit. Atts. 4 – 6.

general location of [REDACTED] arrest. The civil suit was settled with the City of Chicago for \$1000 and the complaint was dismissed on December 20, 2017.

[REDACTED] Arrest Report¹¹ and an Original Case Incident Report¹² detail that Sergeants Carroll and Montes De Oca (“the Sergeants”) observed [REDACTED] walking in the middle of the street. The Sergeants stopped [REDACTED] and attempted issue him an ANOV for walking in the roadway; however, [REDACTED] did not have valid identification. The Sergeants therefore took [REDACTED] into custody. During a search incident to arrest the Sergeants recovered cannabis. [REDACTED] was transported to the 022nd District Lockup and processed. Once [REDACTED] was identified, the Sergeants learned that he was the subject of an active Investigative Alert for the theft of a firearm. Further, [REDACTED] arrest report details that there were no signs of pain or injury to [REDACTED] when he was processed. Finally, [REDACTED] booking photo does not depict any visible signs of injury.

VI. ANALYSIS

COPA recommends a finding of **Unfounded** for the allegations that the Officers unlawfully detained and arrested [REDACTED]. A peace officer may arrest a person when he has reasonable grounds to believe that the person has committed an offense.¹³

Here, Sgts. Carroll and Montes De Oca observed [REDACTED] walking down the center of the roadway – in violation of M.C.C. 9-60-080. When [REDACTED] failed to provide identification so that an ANOV could be issued, he was arrested. Further, the undetailed allegation of false arrest in [REDACTED] civil complaint combined with his unresponsiveness to requests for a statement and the stark differences between the civil complaint and CPD reports all support the inference that [REDACTED] allegation is more likely than not false. Based on all the available information the Officers’ decision to arrest [REDACTED] and transport him to the 022nd District Lockup was reasonable, lawful and proper.

COPA recommends a finding of **Not Sustained** for the allegation that the Officers grabbed [REDACTED] arm, “slammed” him in to a parked vehicle, twisted his arm, “slammed” his head into a parked vehicle, kned him in the stomach, “threw” him into a CPD vehicle, and failed to prevent fellow officers from engaging in misconduct.

Here, the only evidence COPA located, other than [REDACTED] civil complaint, related to [REDACTED] interactions with the Officers was [REDACTED] Arrest Report and the Original Case Incident Report. Neither report detail any use for force nor injuries during [REDACTED] arrest – despite [REDACTED] allegations that his arm was twisted, and he was kned in the stomach with such force it caused severe pain. Additionally, [REDACTED] booking photo does not depict any signs of injury – despite [REDACTED] allegation his head was “slammed” into a parked vehicle numerous times with such force he lost consciousness. The Officers denied the allegations made against them. Additionally, even after reviewing the associated reports, Officers Storck and Ponce stated that they could not even recall interacting with [REDACTED]. Finally, the undetailed allegations of excessive force in [REDACTED] civil complaint combined with his unresponsiveness to requests for a statement, greatly limits COPA’s

¹¹ Att. 7.

¹² Att. 8.

¹³ 725 ILCS 5/107-2(1)(c).

ability to understand exactly what occurred during the interaction between [REDACTED] and the Officers. Therefore, there is insufficient evidence to prove or disprove the allegations of excessive force.

VII. CONCLUSION

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

Officer	Allegation	Finding
Sergeant Joseph Montes De Oca	1. Grabbed [REDACTED] arm without justification; in violation of Rule 8.	Not Sustained.
	2. "Slammed" [REDACTED] against a parked vehicle, in violation of Rule 8.	Not Sustained.
	3. Twisted [REDACTED] arm, in violation of Rule 8.	Not Sustained.
	4. "Slammed" [REDACTED] head against a parked vehicle, in violation of Rule 8.	Not Sustained.
	5. Kneed [REDACTED] in the stomach, in violation of Rule 8.	Not Sustained.
	6. "Threw" [REDACTED] into a CPD vehicle, in violation of Rule 8.	Not Sustained.
	7. Unlawfully detained and arrested [REDACTED] in violation of Rule 1.	Unfounded.
	8. Failed to prevent fellow officers from engaging in misconduct, in violation of Rule 2.	Not Sustained.
Sergeant Sean Carroll	1. Grabbed [REDACTED] arm without justification; in violation of Rule 8.	Not Sustained.
	2. "Slammed" [REDACTED] against a parked vehicle, in violation of Rule 8.	Not Sustained.
	3. Twisted [REDACTED] arm, in violation of Rule 8.	Not Sustained.
	4. "Slammed" [REDACTED] head against a parked vehicle, in violation of Rule 8.	Not Sustained.
	5. Kneed [REDACTED] in the stomach, in violation of Rule 8.	Not Sustained.

	<ol style="list-style-type: none"> 6. "Threw" [REDACTED] into a CPD vehicle, in violation of Rule 8. 7. Unlawfully detained and arrested [REDACTED] [REDACTED] in violation of Rule 1. 8. Failed to prevent fellow officers from engaging in misconduct, in violation of Rule 2. 	<p>Not Sustained.</p> <p>Unfounded.</p> <p>Not Sustained.</p>
<p>Police Officer Antonio Ponce</p>	<ol style="list-style-type: none"> 1. Grabbed [REDACTED] arm without justification; in violation of Rule 8. 2. "Slammed" [REDACTED] against a parked vehicle, in violation of Rule 8. 3. Twisted [REDACTED] arm, in violation of Rule 8. 4. "Slammed" [REDACTED] head against a parked vehicle, in violation of Rule 8. 5. Kneed [REDACTED] in the stomach, in violation of Rule 8. 6. "Threw" [REDACTED] into a CPD vehicle, in violation of Rule 8. 7. Unlawfully detained and arrested [REDACTED] [REDACTED] in violation of Rule 1. 8. Failed to prevent fellow officers from engaging in misconduct, in violation of Rule 2. 	<p>Not Sustained.</p> <p>Not Sustained.</p> <p>Not Sustained.</p> <p>Not Sustained.</p> <p>Not Sustained.</p> <p>Not Sustained.</p> <p>Unfounded.</p> <p>Not Sustained.</p>
<p>Police Officer Stephen Storck</p>	<ol style="list-style-type: none"> 1. Grabbed [REDACTED] arm without justification; in violation of Rule 8. 2. "Slammed" [REDACTED] against a parked vehicle, in violation of Rule 8. 3. Twisted [REDACTED] arm, in violation of Rule 8. 4. "Slammed" [REDACTED] head against a parked vehicle, in violation of Rule 8. 	<p>Not Sustained.</p> <p>Not Sustained.</p> <p>Not Sustained.</p> <p>Not Sustained.</p>

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|---|----------------|
| 5. Kneed [REDACTED] in the stomach, in violation of Rule 8. | Not Sustained. |
| 6. "Threw" [REDACTED] into a CPD vehicle, in violation of Rule 8. | Not Sustained. |
| 7. Unlawfully detained and arrested Mr. [REDACTED] [REDACTED] in violation of Rule 1. | Unfounded. |
| 8. Failed to prevent fellow officers from engaging in misconduct, in violation of Rule 2. | Not Sustained. |

Approved: [REDACTED]
 [REDACTED]
 Erica Sangster
 Acting Deputy Chief Administrator – Chief Investigator

Date 7/31/18

Appendix A

Assigned Investigative Staff

Squad:	9
Investigator:	Garrett Schaaf
Supervising Investigator:	Shannon Hayes
Acting Deputy Chief Administrator:	Erica Sangster