

SUMMARY REPORT OF INVESTIGATION

I. EXECUTIVE SUMMARY

Date of Incident:	October 26, 2017
Time of Incident:	9:26 PM
Location of Incident:	9314 S. Woodlawn Ave., Chicago, IL
Date of COPA Notification:	October 30, 2017
Time of COPA Notification:	11:18 AM

On October 26, 2017, complainant [REDACTED] (“[REDACTED]” and his brother [REDACTED] were walking southbound on Woodlawn Avenue towards their home located at 9324 S. Woodlawn Avenue. As they approached an alley, a marked CPD vehicle pulled in front of [REDACTED] and his brother to prevent them from crossing the alley. The CPD officers exited the vehicle and told [REDACTED] and his brother to place their hands on the car. The officers were investigating a robbery and shooting that occurred in close proximity to where [REDACTED] and his brother were walking. While interacting with [REDACTED] a struggle ensued, and [REDACTED] was arrested. The officers, identified as Officers James Dillon (“Officer Dillon”) Star #17331, Jon Garcia (“Officer Garcia”) Star #14438, Brandon Walsh (“Officer Walsh”) Star #8886, and Fallon Williams (“Officer Williams”), Star #19210, allegedly used excessive force during the arrest, resulting in [REDACTED] injury. The Civilian Office of Police Accountability (“COPA”) reviewed these allegations and recommends the allegations against the accused officers be Not Sustained. Additionally, during its investigation, COPA found evidence of misconduct and brought an allegation against responding Field Training Officer Joseph Carroll (“FTO Carroll”) for profane language that he used on the scene. COPA recommends that allegation be Sustained.

II. INVOLVED PARTIES

Involved Officer #1:	James J. Dillon, Star #17331, Employee ID # [REDACTED] DOA: 08/14/00, Rank: Police Officer, Unit of Assignment: 5 th District, DOB: [REDACTED]/63, Male, White
Involved Officer #2:	Jon P. Garcia, Star #14438, Employee ID # [REDACTED] DOA: 12/12/16, Rank: Police Officer, Unit of Assignment: 4 th District, DOB: [REDACTED]/95, Male, White Hispanic
Involved Officer #3:	Brandon M. Walsh, Star #8886, Employee ID # [REDACTED] DOA: 08/29/16, Rank: Police Officer, Unit of Assignment: 9 th District, DOB: [REDACTED]/92, Male, White

Involved Officer #4: Fallon Williams, Star #19210, Employee ID # [REDACTED] DOA: 01/17/17, Rank: Police Officer, Unit of Assignment: 4th District, DOB: [REDACTED]/88, Female, Black

Involved Officer #5: Andrea M. Delaney, Star #1510, Employee ID # [REDACTED] DOA: 10/03/94, Rank: Police Sergeant, Unit of Assignment: 5th District, DOB: [REDACTED]/65, Female, White

Involved Officer #6: Joseph M. Thompson, Star #1827, Employee ID # [REDACTED] DOA: 01/03/05, Rank: Police Sergeant, Unit of Assignment: 4th District, DOB: [REDACTED]/79, Male, White

Involved Officer #7: Joseph R. Carroll, Star #11252, Employee ID # [REDACTED] DOA: 09/13/99, Rank: Police Officer, Unit of Assignment: 4th District, DOB: [REDACTED]/65, Male, White

Involved Officer #8: Jakub A. Maj, Star #11084, Employee ID # [REDACTED] DOA: 08/31/15, Rank: Police Officer, Unit of Assignment: 4th District, DOB: [REDACTED]/84, Male, White

Subject #1: [REDACTED] DOB: [REDACTED]00, Male, Black

III. ALLEGATIONS

Officer	Allegation	Finding
Officer James Dillon	1. That on October 26, 2017, at approximately 9:30 PM, while effecting an arrest, Officer James Dillon used excessive force resulting in injury to the complainant [REDACTED] in violation of Rules 8 and 9.	Not Sustained
Officer Jon Garcia	1. That on October 26, 2017, at approximately 9:30 PM, while effecting an arrest, Officer Jon Garcia used excessive force resulting in injury to the complainant [REDACTED] in violation of Rules 8 and 9.	Not Sustained
Officer Brandon Walsh	1. That on October 26, 2017, at approximately 9:30 PM, while effecting an arrest, Officer Brandon Walsh used excessive force resulting in injury to the	Not Sustained

	complainant ██████████ in violation of Rules 8 and 9.	
Officer Fallon Williams	1. That on October 26, 2017, at approximately 9:30 PM, while effecting an arrest, Officer Fallon Williams used excessive force resulting in injury to the complainant ██████████ in violation of Rules 8 and 9.	Not Sustained
Officer Joseph Carroll	1. That on October 26, 2017, at approximately 9:30 PM, in the vicinity of 9314 S. Woodlawn, Officer Joseph Carroll was discourteous to arrestee ██████████ and detainee ██████████ by using profanity when speaking to and about them in the presence of other CPD officers, including probationary police officers, in violation of Rules 8 and 9.	Sustained

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. INVESTIGATION¹

a. Interviews

On November 1, 2017, juvenile complainant, ██████████ (“█████████”) gave COPA an audio recorded interview. ██████████ was accompanied by his father, ██████████ during the audio recorded interview. On October 26, 2017, approximately between 8:00 PM and 9:00 PM, ██████████ stated he and his brother, ██████████ were walking near the alley on Woodlawn Avenue, 93rd Street, three houses from their home, coming from school. ██████████ stated the police pulled up in a marked vehicle in front of he and his brother to prevent them crossing the alley. ██████████ stated the police got out of the vehicle and told them to put their hands on the car. ██████████ stated he and his brother put their hands on the car. ██████████ stated the police proceeded to put handcuffs on him and

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

his brother. [REDACTED] stated a male police officer had his left arm and put it in his back, and then tried to get his right arm and put both the left and right arm/hands together. [REDACTED] stated he was wearing a bookbag and sweater, making it difficult to bring right arm/hand together with left. [REDACTED] stated he tried to tell the police officer that, but was told he was resisting. [REDACTED] stated when that happened, the police officers put him on the ground, attempting to handcuff him. [REDACTED] stated a couple of police officers came at him with one police officer stepping on him, putting his leg on his hair and another had his leg on him twisting him around. [REDACTED] stated all the officers were surrounding him and attempting to handcuff him.

[REDACTED] stated he asked the officers why they were handcuffing him because he did not commit any crime and was coming from school. [REDACTED] stated the police were putting handcuffs on him without a reason, and he did not understand why, so he was asking questions. [REDACTED] stated the police officers did not beat him, but that they put me on the ground, without a reason. [REDACTED] stated the police momentarily left him on the ground. [REDACTED] stated his brother, [REDACTED] was standing and watching with other police officers. [REDACTED] stated his brother was telling him to calm down. [REDACTED] stated the police found a little fake gun in his brother's bookbag, and then told [REDACTED] he was going to jail. [REDACTED] stated the officers found products in his bag he had purchased with his father, [REDACTED] at Home Depot. [REDACTED] stated the police said he was making a bleach bomb. [REDACTED] stated the police put him into the truck [squadrol] for a few minutes and conveyed him to the district. [REDACTED] stated after being taken to the district, he was conveyed to the hospital. [REDACTED] stated after the hospital, he went back to district and detectives started talking to him. [REDACTED] stated the detectives explained the reason why the police officers stopped him. [REDACTED] stated the detectives said he and his brother were the exact description of suspects involved in a shooting on 95th Street, down to the shoes they were wearing. [REDACTED] stated he did not believe that. [REDACTED] also stated the suspect had a facial defect. [REDACTED] stated he went to court on October 27, 2017. [REDACTED] stated the judge said she did not see a facial defect. [REDACTED] stated he believed the judge dismissed the charges against him.

[REDACTED] stated three uniformed police officers stopped him and his brother. [REDACTED] stated he remembered a police officer named Garcia, identified as Officer Jon Garcia of the 4th District. [REDACTED] stated he remembered Officer Garcia because Officer Garcia became aggressive with him, started to fight him, and show his power. [REDACTED] stated Officer Garcia's physical description was Hispanic, short, 5'5" to 5'6" seemed pretty young, probably in his 30s, short hair, and in a uniform. [REDACTED] described an older male white police officer, identified² as FTO Joseph Carroll of the 4th District, in his 50s or 60s, possibly with short hair. [REDACTED] also described a black female police officer, identified as Officer Fallon Williams of the 4th District, with short, possibly dreadlocks hairstyle in a ponytail.

[REDACTED] stated the black female police officer did not say anything to him. [REDACTED] stated the black female police officer made the arrest. [REDACTED] stated the black female police officer did not do

² COPA, through its investigation, was able to identify the involved officers.

anything, that she was just watching. [REDACTED] stated he believed the other officers wanted the black female officer to make the arrest because she was African-American and they wanted to make it a racial thing. [REDACTED] stated there were a lot of police officers and approximately ten police vehicles at the scene. [REDACTED] stated when Officer Garcia approached him and his brother, he was rude and aggressive. [REDACTED] stated he and his brother had not done anything wrong for the officers to be coming at them as they did. [REDACTED] stated he remained quiet while he was on the ground. [REDACTED] stated he was walked to the squadrol and that one officer told the other officers they “were overdoing it, he’s just coming from school.”³ [REDACTED] stated the officers told him to go up into the squadrol. [REDACTED] stated as he was walking up into the squadrol, the officers pulled him back down and he fell on the ground. [REDACTED] stated officers started to approach him as if he was resisting. [REDACTED] stated the officers pushed him into the squadrol and locked the door. [REDACTED] stated officers started to question him but he remained quiet. [REDACTED] stated a white female police officer wearing glasses and in uniform, identified as Sergeant Andrea Delaney (“Sgt. Delaney”) of the 5th District, questioned him. [REDACTED] stated he was transported to an unknown District. [REDACTED] stated once at that District, the police were looking at him for any injuries. [REDACTED] stated the officers saw the bruises on his left arm, and it was decided to take him to the hospital. [REDACTED] stated after being treated at the hospital for his wrists, he was returned to another District, but didn’t know where and the investigators questioned him.

[REDACTED] stated during the arrest, his headphones were damaged. [REDACTED] also stated during the arrest his right wrist was bruised because the handcuffs were really tight. [REDACTED] stated he did not understand the aggressiveness of the arresting officers and why one police officer had legs on [REDACTED] head. [REDACTED] further stated he was not fighting any police officer. [REDACTED] stated he could not recall which police officer had a leg on his head. [REDACTED] stated that besides injuring his right and left wrist, his ribs on the left side were also injured. [REDACTED] stated he did not inform officers of the injury because he did not want to stay too long at the police station. [REDACTED] stated he also had a headache.

[REDACTED] stated he was released around 4:00 AM. [REDACTED] stated he went to court regarding his arrest at 10:00 AM, on October 23, 2017. [REDACTED] stated he believed his charges were dismissed.^{4,5}

On December 20, 2017, witness Sergeant Joseph Thompson (“Sgt. Thompson”), Star #1827, gave an audio interview to COPA. Sgt. Thompson stated on October 26, 2017, he was working as Beat 4-06 in the 4th District. Sgt. Thompson stated at approximately 9:00 PM that date, he responded to a police call of a person shot at 9314 S. Woodlawn Avenue. Sgt. Thompson stated upon arriving on scene, he observed CPD personnel escorting a subject, identified as the complainant [REDACTED] (“[REDACTED]”) into the squadrol wagon. Sgt. Thompson stated he observed [REDACTED] demeanor while being escorted to the squadrol as “angry and hostile.” Sgt. Thompson stated [REDACTED] was already handcuffed, yelling at the officers, and not cooperating in getting in the squadrol.

³ Attachment 12 @ 18:57

⁴ Attachment 12

⁵ On December 18, 2017, COPA sent a letter via first class and certified U.S. mail to [REDACTED]. [REDACTED] e, requesting an interview with his son [REDACTED] [REDACTED] regarding the incident at 9314 S. Woodlawn Avenue. COPA received no reply to its request.

Sgt. Thompson stated he also observed another subject, identified as [REDACTED] the brother of [REDACTED] handcuffed in front of a squad car. Sgt. Thompson stated the brother's demeanor, [REDACTED] was "calm and cooperative." Sgt. Thompson stated the CPD personnel that arrested [REDACTED] were Officers Fallon Williams, Brandon Walsh, James Dillon and Jon Garcia. Sgt. Thompson stated there were other officers at the scene from the 4th and 5th Districts, as well as other outside units both in plainclothes and uniform. Sgt. Thompson stated [REDACTED] and his brother were stopped for matching the description of offenders from a "person shot" police call. Sgt. Thompson stated the description was broadcast over the radio via the dispatcher. Sgt. Thompson stated the description broadcasted by the dispatcher was based on information provided by a call from a witness. Sgt. Thompson stated he could not recall the description given by the dispatcher. Sgt. Thompson stated [REDACTED] brother was later released at the scene. Sgt. Thompson stated he spoke with [REDACTED] to find out what happened with Alhaussane [REDACTED] during the arrest. Sgt. Thompson stated [REDACTED] said, "I don't know what his problem was, he just started resisting." Sgt. Thompson stated based upon his observations at the scene, he does not believe the officers used excessive force.⁶

On January 24, 2018, witness Sergeant Andrea Delaney ("Sgt. Delaney"), Star #1510, gave COPA an audio recorded interview. Sgt. Delaney stated on October 26, 2017, she was assigned as Beat 5-10 in the 5th District. Sgt. Delaney stated she was working in full uniform and a marked CPD vehicle. Sgt. Delaney stated she was at 95th and Woodlawn on a report of a shooting. Sgt. Delaney stated she was the first officer on scene and discovered a young gentleman shot in the stomach. Sgt. Delaney stated the victim gave her a description of two possible offenders. Sgt. Delaney stated she remembered giving a flash message over the police radio. Sgt. Delaney stated the offender description she put over the air was two male black young teenagers. Sgt. Delaney stated she remembers from the description given to her by the shooting victim that one of the offenders had something wrong with his skin, either a distinct birthmark or skin deformity on his face. Sgt. Delaney stated she heard via dispatch that at 93rd Street and Woodlawn, either 4th District or 6th District personnel might have had a couple of subjects in custody. Sgt. Delaney stated she went to 93rd Street and Woodlawn Avenue and there were a lot of officers there. Sgt. Delaney stated police personnel were detaining two brothers at the scene. Sgt. Delaney stated the 5th District wagon was also at 93rd and Woodlawn Avenue. Sgt. Delaney stated that 5th District personnel may have put one of the offenders into the wagon. Sgt. Delaney stated one offender had a backpack with a replica gun inside that was recovered. Sgt. Delaney stated she believed the subjects lived four or five houses down from where they were detained. Sgt. Delaney stated the demeanor of the subject standing on the sidewalk, identified as [REDACTED] was fine, but the demeanor of the subject placed into the wagon, identified as [REDACTED] was very belligerent, very upset. Sgt. Delaney stated she might have gone up to the wagon and asked [REDACTED] his name, and got sworn at. Sgt. Delaney stated she did not remember questioning [REDACTED] Sgt. Delaney stated she was going back and forth between 9314 S. Woodlawn Avenue and 95th and Woodlawn

⁶ Attachment 26

Avenue. Sgt. Delaney stated supervisory personnel on the scene of 9314 S. Woodlawn Avenue had to make the determination of what to do with [REDACTED] and his brother. Sgt. Delaney stated she did not know what eventually happened to [REDACTED] or [REDACTED].⁷

On January 29, 2018, Field Training Officer Joseph Carroll (“FTO Carroll”), Star #11252, initially gave COPA and audio recorded witness officer interview. FTO Carroll stated that on October 26, 2017, he was working Beat 4-55 with Officer Williams and Officer Garcia. FTO Carroll stated he was in full uniform and driving a marked CPD vehicle. FTO Carroll stated he and his partners responded to 95th Street and S. Woodlawn Avenue on a person shot call. FTO Carroll stated when they arrived they found a male sitting on a curbside with a gunshot wound to his abdomen. FTO Carroll stated he called for an ambulance. FTO Carroll stated there were many officers at the scene from the 5th District. FTO Carroll stated the other officers were looking for evidence and he was putting out a description and the direction in which the offenders fled. FTO Carroll stated the offenders fled northbound into the 4th District. Officer Carroll stated because of the direction in which the offenders fled he was giving out that flash message because the 4th and 5th Districts do not share the same band.⁸ FTO Carroll stated he did not recall the description of the perpetrators other than two male blacks, one was short one was taller. FTO Carroll said he stayed at the location until the 5th District arrived and secured the scene. FTO Carroll stated he left the scene northbound on Woodlawn and then turned left on 94th Street and began looking through the alleys. FTO Carroll stated he searched through three different alleys northwest of the incident area. FTO Carroll stated he went through the alleys between 94th Street and 93rd Street, came out on Woodlawn Avenue, and observed two people that matched the description of the offenders. FTO Carroll stated he and his partners stopped the two people, identified as the complainant [REDACTED] and his brother [REDACTED].

FTO Carroll stated [REDACTED] was very cooperative and told them that some officers had already stopped them. FTO Carroll stated he and his partners went to speak to the complainant [REDACTED]. FTO Carroll stated he did not remember the offender description but that his partner, Officer Williams, stated [REDACTED] matched the description. FTO Carroll stated he and his partners went to walk [REDACTED] up to the car, and put his hands up on the car, but he refused. FTO Carroll stated [REDACTED] then began elbowing Officer Garcia. FTO Carroll stated [REDACTED] was flailing his arms and elbowing Officer Garcia, saying that he did nothing wrong. FTO Carroll stated that Officer Williams and Officer Walsh took [REDACTED] to the ground and emergency handcuffed him. FTO Carroll stated after the emergency takedown [REDACTED] was taken to the wagon [squadrol]. FTO Carroll stated [REDACTED] was uncooperative going to the squadrol. FTO Carroll stated [REDACTED] said the police attempted to stop them on 93rd Street but he really wasn’t clear why they

⁷ Attachment 35

⁸ This is a reference to different districts having different radio zones.

had been stopped. FTO Carroll stated he did not search either of the [REDACTED] brothers. FTO Carroll stated he did not see any officers involved with arresting [REDACTED] hit, kick, knee, or punch [REDACTED]⁹

On May 23, 2018, FTO Carroll returned to COPA and gave an audio recorded interview as an accused officer regarding his use of profane language while investigating Alhassane [REDACTED] and [REDACTED]¹⁰ FTO Carroll stated [REDACTED] was using profane language at the officers. FTO Carroll stated he tried to use verbal commands to de-escalate the situation. Officer Carroll stated that he was trying to keep [REDACTED] from fighting the officers to avoid injuring himself or officers at the scene. FTO Carroll admitted to using “unfortunate language”¹¹ towards [REDACTED] FTO Carroll stated that the incident involved “a shooting, there was high emotions, high tensions going on at the time, [it was] a very tense situation.”¹² FTO Carroll stated he believed [REDACTED] was making the situation worse in that he was telling his brother [REDACTED] to calm down, but also tell the officers what they were doing wrong. FTO Carroll stated he used unfortunate language at [REDACTED] in trying to get him to be quiet to calm the situation. FTO Carroll stated if he had to do the situation again he would do it differently and use different language. FTO Carroll stated “as an FTO, I try to teach recruits the best way to do things, and sometimes your emotions get the best of you. You try to de-escalate but you end up saying things you shouldn’t say.”¹³

On January 29, 2018, witness Officer Jakub Maj (“Officer Maj”), Star #11084, gave COPA an audio recorded interview. Officer Maj stated on October 26, 2017, he was working Beat 4-41 with Officer Brandon Walsh in the 4th District. Officer Maj stated he responded to a police call of a person shot near 9314 S. Woodlawn Avenue. Officer Maj stated he did not recall the perpetrator description given from dispatch. Officer Maj did state however, that he and Officer Walsh were looking for two black male offenders, but he did not recall the clothing description. Officer Maj stated after he and Officer Walsh toured the area, they saw two police vehicles performing an investigatory stop. Officer Maj stated he recognized FTO Carroll as being one of the officers involved in the investigatory stop. Officer Maj stated when he and his partner approached, he observed one of the subjects being combative. Officer Maj stated he could hear screaming and loud voices. Officer Maj stated he saw the struggle between one of the suspected offenders and an officer. Officer Maj stated his first observation was that another offender, identified as [REDACTED] was standing there with no handcuffs on. Officer Maj stated his first intuition was to put handcuffs on the offender. Officer Maj stated Officer Walsh went to help the officer struggling with the other offender, identified as complainant [REDACTED] Officer Maj stated the officers struggling with [REDACTED] performed an emergency takedown. Officer Maj stated after [REDACTED] was secured, he went to assist the other officers struggling with Alhassane

⁹ Attachment 41

¹⁰ Attachment 46

¹¹ Attachment 50 @ 11:50

¹² Attachment 50 @ 12:24

¹³ Attachment 50 @ 14:19

█████ Officer Maj stated at that point, he could see there were enough officers involved with ██████ Officer Maj stated the officers pick up ██████ from the ground and took him to the 5th District wagon. Officer Maj stated he did not see any officers involved with arresting ██████ hit, kick, knee or punch ██████¹⁴

On January 12, 2018, accused Officer Jon Garcia, (“Officer Garcia”), Star #14438, gave COPA an audio recorded interview.¹⁵ Officer Garcia stated that on October 26, 2017, he was working Beat 4-55 with Officer Fallon Williams and FTO Joseph Carroll. Officer Garcia stated he was in full uniform and a marked CPD vehicle. Officer Garcia stated he and his partners were called to the area of 95th Street and S. Woodlawn Avenue on a person shot. Officer Garcia stated when they arrived on scene, there were other officers there from another district and a male laying on the ground in front of his Infinity vehicle with a PlayStation 3 in the trunk. Officer Garcia stated the male was laying on the ground holding his side. Officer Garcia stated the male said he got shot. Officer Garcia stated the male gave a description of the two black males that tried to rob him. Officer Garcia stated while attempting to rob the victim, the two black males got into a physical altercation with the victim, with one of the perpetrators pulling a gun and he was subsequently shot him in the stomach. Officer Garcia stated all he recalled of the perpetrators description from the shooting victim was that “one was wearing tan pants.” Officer Garcia stated a female witness at the bus stop also gave the exact perpetrator description the victim gave to him, and told officers in which direction they fled.

Officer Garcia stated he broadcast the information he received over the air but he also believed other officers did so before him. Officer Garcia stated the shooting occurred in the 5th District but that the perpetrators fled into the 4th District. Officer Garcia stated he and his partners went back into the 4th District, touring the area for the two black males that did the shooting. Officer Garcia stated he and his partners were driving west through the alley near 93rd and Woodlawn, when they observed two black males walking southbound on Woodlawn Avenue from 93rd Street approaching the alley. Officer Garcia stated the males matched the description the victim and witness gave. Officer Garcia stated they asked the two black males, identified as complainant ██████ and his brother ██████ to put their hands on the car. Officer Garcia stated he and his partners wanted to do a field interview. Officer Garcia stated one brother, identified as ██████ was very compliant and speaking to FTO Carroll. Officer Garcia stated the other brother, the complainant ██████ was very passive, not letting us do what we wanted to do. Officer Garcia stated while starting to talk to ██████ he began swearing at them and telling them they couldn’t do what they were doing. Officer Garcia stated, given the proximity of the location to the shooting incident, the flight direction of the perpetrators the witness had given, and the description as well, they wanted to make sure they had no weapons on them. Officer

¹⁴ Attachment 42

¹⁵ In addition to accused Officer Jon Garcia (Attachment 38), COPA conducted audio recorded interviews with accused Officers Fallon Williams (Attachment 39), Brandon Walsh (Attachment 40), and James Dillion (Attachment 44). The accused officer interviews are similar in substance to the statement of Officer Garcia.

Garcia stated as he began to pat down [REDACTED] he threw a direct elbow strike hitting Officer Garcia in the chest. Officer Garcia stated because of this, he believed that [REDACTED] wanted a physical altercation.

Officer Garcia stated [REDACTED] became an active resister, and started to go crazy, throwing elbows, throwing his hands up and down. Officer Garcia stated Officer Williams got one handcuff on [REDACTED] Officer Garcia stated Officer Walsh observed what was occurring, and came behind and grabbed [REDACTED] to make sure he wasn't going to hit them anymore Officer Garcia stated [REDACTED] started to kick and hit us even more. Officer Garcia stated he tried to grab [REDACTED] arms, telling him to stop moving, but he refused. Officer Garcia stated Officer Walsh brought [REDACTED] down while he was holding onto [REDACTED] arm. Officer Garcia stated the action, was like a rugby scrum, with everyone falling to the ground. Officer Garcia stated an officer picked [REDACTED] up off the ground and walked him to the wagon [squadrol].

Officer Garcia stated after [REDACTED] was walked to the wagon, he stiffened up again, and put his leg on the wagon step, like he was trying to defeat going into the wagon. Officer Garcia stated at this point, he searched [REDACTED] since he was not given the opportunity because of [REDACTED] resistance. Officer Garcia stated nothing was found on [REDACTED] resulting from the search. Officer Garcia stated [REDACTED] was placed into the wagon and taken to the 4th District for processing. Officer Garcia stated while processing [REDACTED] at the district, he was evasive in identifying himself. Officer Garcia stated [REDACTED] kept giving his brother's name, the wrong spelling of his own name, and kept lying to the officers. Officer Garcia stated he did not recall [REDACTED] complaining about his handcuffs. Officer Garcia stated he observed a cut on [REDACTED] wrist from the handcuff while processing him at the 4th District. Officer Garcia stated the sergeant had Officer Walsh and Officer Maj take [REDACTED] to the hospital. Officer Garcia stated Officer Maj gave him [REDACTED] correct name after [REDACTED] received medical treatment at the hospital.¹⁶

b. Digital Evidence

Office of Emergency Management and Communications (OEMC) **audio 911 calls and CPD radio transmissions** regarding call for police service at 95th Street and Woodlawn, and as 1157 E. 95th Street. 911 calls regarding incident, and radio broadcast from officers at the shooting scene give varied offender descriptions.¹⁷

The BWC video of Sgt. Thompson on October 26, 2017, shows his interaction with [REDACTED] brother of complainant [REDACTED] [REDACTED] regarding what occurred at 9314 S. Woodlawn Avenue.¹⁸

¹⁶ Attachment 38

¹⁷ Attachment 48. The varied descriptions included "2 kids shot a man, offender wearing black hoody," "offenders heading N/B on Woodlawn [from 95th]," "2 males wearing dark hoodies fled on foot," "2 m/b teens with a birth mark on his face, 5'6" in height, one taller than the other," and "2 M/B offenders ran N/B into 4th District under the viaduct [95th and S. Woodlawn], both under 18, one last seen wearing black hoodie, khakis."

¹⁸ Attachment 45

The **BWC video of Officer Maj** on October 26, 2017, shows his interaction with the investigation of [REDACTED] and complainant [REDACTED] at 9314 S. Woodlawn Avenue.¹⁹

The **BWC video of FTO Carroll** on October 26, 2017, shows his interaction at E. 95th Street and S. Woodlawn Avenue, the location of the person shot call. There is additional BWC video that shows his interaction with [REDACTED] and complainant [REDACTED] at 9314 S. Woodlawn Ave.²⁰

c. Physical Evidence

Medical records obtained for [REDACTED] indicate he was examined on October 27, 2017.²¹ [REDACTED] was diagnosed with right hand bruises, received treatment, and was discharged into police custody in stable condition.²²

d. Documentary Evidence

The Office of Emergency Management and Communications **Event Query Report** #1729914566 stated a call for police service was dispatched for 9500 S. Woodlawn Avenue as a “person shot.” The offender description given was two black males, both under eighteen, with one “last seen wearing a black hoodie and khakis.” The offenders ran northbound under the viaduct into the 4th District.²³

The **Chicago Police Department Arrest Report** stated on October 26, 2017, [REDACTED] was arrested at 9314 S. Woodlawn Avenue for Aggravated Battery-Peace Officer, and Resisting and Obstructing a Peace Officer.²⁴

The **Chicago Police Department Tactical Response Report (TRR)** dated October 26, 2017, completed by Officer Garcia, states he and his partners, FTO Carroll and Officer Williams were dispatched to a person shot at 9500 S. Woodlawn Avenue. The TRR states the officers toured the area looking for the offenders when they observed the subject [REDACTED] and another black male, identified as [REDACTED] fitting the description of the offenders of the person shot call. The report further states the officers approached both subjects for a field interview and instructed them to take their hands out of their pockets. The TRR states Officer Garcia attempted to perform a protective pat-down on subject [REDACTED] who threw an elbow and struck Officer Garcia in the chest. The TRR states [REDACTED] was told to stop moving and comply with his commands. [REDACTED] did not comply and started to flail his arms and stiffened his body. The TRR states that Officer Garcia, with the assistance of officers on the scene applied an emergency takedown to get the

¹⁹ Attachment 47

²⁰ Attachment 46

²¹ Attachment 17

²² Attachment 17

²³ Attachment 11

²⁴ Attachment 5

subject to comply. The TRR states the officers on the scene emergency handcuffed ██████ put him into the 5th District wagon, and conveyed ██████ to the 4th District for processing.²⁵

The Chicago Police Department Tactical Response Report (TRR) dated October 26, 2017, completed by Officer Williams, states she and her partners, FTO Carroll and Officer Garcia responded to a shots' fired call at 9500 S. Woodlawn Avenue. The TRR states while Officer Williams and her partners were patrolling the area, she and her partners saw two subjects that fit the description of the two offenders from the shooting moments before. The TRR states Officer Williams and her partners detained the subjects for a field interview. The report states during the field interview, the subject, identified as ██████ failed to follow verbal direction given to him to place his hands on the hoods of the squad car. The TRR states Officer Williams and Officer Garcia started to perform a protective pat-down, at which time ██████ became combative and threw multiple elbow strikes, hitting Officer Garcia. The TRR states Officer Williams attempted to handcuff ██████ and that he stiffened his body and flailed his arms to resist. The report states Officer Williams and Officer Walsh performed an emergency takedown and ██████ was placed into custody.²⁶

The Chicago Police Department Investigatory Stop Report (ISR) dated October 26, 2017, and completed by Officer Garcia, reports that he and his partners FTO Carroll and Officer Williams attempted to perform a field interview with ██████ and his brother ██████ ██████ regarding a person shot call at 9500 S. Woodlawn Avenue. The report states that both subjects fit the offender description. The report further states that ██████ refused to comply with verbal commands and threw an elbow striking Officer Garcia in his chest. The report states that Officer Garcia, with the assistance of other officers at the scene, applied emergency handcuffing and an emergency takedown to ██████. Officer Garcia stated Alhoussein ██████ was handcuffed and placed in a squad car for further investigation. The report states that Alhoussein ██████ was released at the scene and instructed to go home. The report further states that both subjects refused the investigatory stop report receipt.²⁷

VI. ANALYSIS

Before COPA can address the excessive force allegations, it is necessary to begin its analysis by evaluating the reasonableness of the officers' initial stop of ██████. The second component of the analysis is an evaluation of the arrest of ██████. The crux of each inquiry is whether the police conduct meets the Fourth Amendment's standard of objective reasonableness. *See, e.g., Terry v. Ohio*, 392 U.S. 1, 19-21 (1968); *Graham v. O'Connor*, 490 U.S. 386, 397 (1989).

²⁵ In addition to Officer Garcia, (Attachment 21), Officer Walsh (Attachment 19), and Officer Dillion (Attachment 18), assisted in the emergency takedown of ██████. The officers TRRs corroborate Officer Garcia's TRR.

²⁶ Attachment 20

²⁷ Attachments 22 and 23

The Investigatory Stop of [REDACTED]

A non-intrusive detention of a short duration by law enforcement officers, even in the absence of probable cause, is not a violation of the Fourth Amendment's proscriptions against unreasonable search and seizures. An investigatory stop, or *Terry* stop, must be supported by specific articulated facts which, when taken together with any rational inferences, give rise to a reasonable suspicion that a defendant has been, is or was about to engage in criminal activity. *People v. Ross*, 317 Ill. App. 3d 26, 30 (1st App. Dist. 2000); *see, also*, 725 ILCS 5/107-14 (West 2016).²⁸ Thus, reasonable suspicion depends on the totality of the circumstances confronted by the officer coupled with the officer's training and experience. The purpose of a *Terry* stop is to allow a police officer to either confirm or dispel his suspicions. *Ross*, 317 Ill. App. 3d at 26.

In this instance, multiple corroborating descriptions were given of the two individuals that were involved in an armed robbery and shooting. The victim and multiple witnesses described "two kids," "one wearing khakis and the other wearing a black hoodie," that fled the scene "toward 94th and Woodlawn." Other descriptions given by eye witnesses included that "one was tall and the other was short" and that both were "wearing black jackets." The two individuals were referred to as teenagers and the eye witnesses all corroborated that the two teenagers ran northbound.

FTO Carroll, Officer Williams and Officer Garcia were in the proximate area of flight given by the witnesses and "observed the two people that matched the description of the offenders." Based on that description, the officers went to "stop them."²⁹ While there is some variability in the physical description, height and age, the offenders' description coincided with the officer observations of [REDACTED] and [REDACTED].³⁰ In addition, FTO Carroll stated that Officer Williams communicated that [REDACTED] fit the description given of the alleged shooter. Finally, the two individuals were stopped close in time to the shooting and close to the location of the shooting.

Under the facts and circumstances presented, the investigatory stop of [REDACTED] was properly based upon reasonable suspicion. The officers cited to specific, articulable facts that led them to suspect that [REDACTED] may have been involved in the shooting that occurred in the area.

The Arrest of [REDACTED]

At some point during the encounter, the investigatory stop of [REDACTED] transformed into an arrest. While there is no bright-line rule to determine when an investigatory stop ends and an arrest begins, an investigatory stop is distinguished from an arrest based on the length of detention and the scope of investigation following the initial stop. *See, e.g., People v. Young*, 306 Ill.App.3d

²⁸ Special Order S04-13-09 governs investigatory stops and defines when temporary detention and questioning of an individual is permissible based on reasonable articulable suspicion.

²⁹ Attachment 41

³⁰ Attachment 11

3350 (1st App. Dist. 1999) (holding that mere restraint of an individual does not turn an investigatory stop into an arrest). Having determined that the officers' actions were justified at its inception; we must consider whether the arrest was reasonably related in scope to the circumstances which justified the initial interference. By its very nature, a *Terry* stop is a non-consensual encounter. As long as the investigatory stop is permitted by the Fourth Amendment, a person "is no more free to leave than if he were placed under a full arrest." *Ross*, 317 Ill. App. 3d at 32. In the context of a resisting or obstructing a peace officer charge, a *Terry* stop constitutes an authorized act of a police officer. *See People v. Johnson*, 285 Ill. App. 3d 307, 309 (1996). Therefore, in the context of a lawful investigatory stops, an individual does not have the right to resist.³¹

In this instance, the body worn camera footage obtained does not capture the initial investigatory stop or the initial actions by [REDACTED] that led to his arrest for resisting and obstruction.³² According to Officer Garcia, [REDACTED] became uncooperative when Officer Garcia attempted to perform a protective pat-down. Officer Garcia stated that [REDACTED] swung his elbow and hit Officer Garcia in the chest and [REDACTED] was given commands to calm down and to comply. According to Officer Garcia, [REDACTED] began to flail his arms and further resist the officers' attempts to control him and pat him down. The body worn camera footage of Officer Maj corroborates that multiple individuals were telling [REDACTED] to "calm down," "relax," and "settle...down."³³

FTO Carroll's body worn camera shows multiple officers around [REDACTED] in an effort to control him. However, Officer Carroll's footage captured the incident *after* [REDACTED] initial reaction. By the time FTO Carroll's body worn camera was activated, multiple officers surrounded [REDACTED]. As the situation escalated, other officers responded to the location, including Officer Walsh and Officer Dillon, to assist in de-escalation of the situation and to continue the investigation. When Officer Williams attempted an emergency handcuffing, [REDACTED] increased his resistance. Then, Officers Garcia, Walsh, and Dillon conducted an emergency takedown.³⁴ Further corroborating that [REDACTED] was resisting, Officer Maj asked [REDACTED] brother what was going on to which he responded that his brother "started to resist" or "he kept resisting."³⁵

In this instance, [REDACTED] resisted the officers' attempts to conduct an investigatory stop and pat down. Because [REDACTED] was obstructing a justified and authorized police action, his continued refusal to cooperate resulted in the stop transforming from an investigatory to stop to an arrest. Based on the totality of the circumstances, the officers had probable cause to arrest [REDACTED] for obstruction and resisting.

Excessive Force Allegations

³¹ The charge of resisting or obstructing a peace officer is codified under 720 ILCS 5/31-1

³² Probationary officers are not equipped with body worn cameras.

³³ Attachment 47

³⁴ Attachments 18 through 21. In addition, FTO Carroll's body worn camera catches the emergency take down.

³⁵ The audio is unclear whether [REDACTED] stated [REDACTED] "started" or "kept "resisting.

An officer may use the force necessary to effectuate a legal purpose.³⁶ Once an officer has probable cause needed to justify an arrest, the officer may only use reasonable force under the totality of the circumstances to accomplish the arrest. General Order O3-02-01 outlines the various level of force options and the appropriate level of force a Department member may use when interacting with a subject. The directive outlines the appropriate level of force options based on whether the subject was cooperative, resistive, or an assailant. A resister is an individual who is uncooperative and is further divided into two categories: passive and active. A passive resister fails to comply with verbal commands or other directions but fails to comply by *non-movement*. An active resister is an individual whose physical actions are an attempt to avoid physical control or evade arrest. Examples of this type of resistance include evasive “movements of the arm” through “flailing arms, to fully flight by running.” When an individual is an active resister, a department member may use a variety of methods to bring an active resister under control. One such method is a “take down” in which the officer can direct the individual to the ground to limit physical resistance, prevent escape, or increase the potential for controlling the subject.

In this instance, it is appropriate to characterize [REDACTED] as an active resister. The BWC shows that [REDACTED] was actively flailing and throwing of his arms, stiffening his body, and failing to follow the verbal commands being given by the officers. [REDACTED] continued to resist and ignore verbal commands before the officers performed the emergency takedown. As [REDACTED] continued to resist and obstruct the officers, the officers had probable cause to arrest [REDACTED]. The continued struggle of [REDACTED] required the officers to use some level of force to make the arrest. In this instance, based on the totality of the circumstances, the emergency takedown was an objectively reasonable use of force given that [REDACTED] was an active resister. In addition, the injuries sustained by [REDACTED] bruising to his right wrists, were consistent with the type of force used to make the arrest.

Based on the totality of the circumstances, the amount of force appears to be objectively reasonable, necessary and proportional to [REDACTED] arrest. However, there were interactions with [REDACTED] which occurred and were not captured on body worn camera. For that reason, COPA cannot prove or disprove whether the officers’ version of events or [REDACTED] is correct. Therefore, the allegations against Officers Garcia, Walsh, and Williams are **Not Sustained**.

Verbal Abuse Allegation against FTO Joseph Carroll

A review by COPA of the BWC video of FTO Joseph Carroll reveals his inability to remain calm and professional while on scene. FTO Carroll’s behavior sets the wrong tone and message to the probationary officers in his charge. Above all else, FTO Carroll is meant to be the experienced officer on scene. Instead, Officer Carroll chose to be verbally abusive and demeaning to both [REDACTED] and his brother throughout the entire incident, even after [REDACTED] was placed under arrest. This conduct is not befitting of the title Field Training Officer. Moreover, FTO Carroll himself

³⁶ General Order 03-02

acknowledged that he should have comported himself in a more professional manner. Therefore, the allegation against FTO Carroll is **Sustained**.

VII. CONCLUSION

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

Officer	Allegation	Finding
Officer James Dillon	1. That on October 26, 2017, at approximately 9:30 PM, while effecting an arrest, Officer James Dillon used excessive force resulting in injury to the complainant [REDACTED] in violation of Rules 8 and 9.	Not Sustained
Officer Jon Garcia	1. That on October 26, 2017, at approximately 9:30 PM, while effecting an arrest, Officer Jon Garcia used excessive force resulting in injury to the complainant [REDACTED] in violation of Rules 8 and 9.	Not Sustained
Officer Brandon Walsh	1. That on October 26, 2017, at approximately 9:30 PM, while effecting an arrest, Officer Brandon Walsh used excessive force resulting in injury to the complainant [REDACTED] in violation of Rules 8 and 9.	Not Sustained
Officer Fallon Williams	1. That on October 26, 2017, at approximately 9:30 PM, while effecting an arrest, Officer Fallon Williams used excessive force resulting in injury to the complainant [REDACTED] in violation of Rules 8 and 9.	Not Sustained
Officer Joseph Carroll	1. That on October 26, 2017, at approximately 9:30 PM, in the vicinity of 9314 S. Woodlawn, Officer Joseph Carroll was discourteous to arrestee [REDACTED] and detainee [REDACTED] by using profanity when speaking to and about them in the presence of other CPD officers, including probationary police officers, in violation of Rules 8 and 9.	Sustained

Approved:

[REDACTED]

Shannon Hayes
Acting Deputy Chief Administrator

8/8/18

Date

Appendix A

Assigned Investigative Staff

Squad#:	10
Investigator:	Mark A. Glenn
Supervising Investigator:	Erica Sangster
Acting Deputy Chief Administrator:	Shannon Hayes
Attorney:	Christina Chojnacki

