

SUMMARY REPORT OF INVESTIGATION

I. EXECUTIVE SUMMARY

Date of Incident:	May 1, 2018
Time of Incident:	8:40 p.m.
Location of Incident:	9442 S. Normal Ave, Chicago, IL
Date of COPA Notification:	May 3, 2018
Time of COPA Notification:	2:53 p.m.

At approximately 8:40 p.m. on May 1, 2018, Officers Joseph Hayden and Patrick Tracy stopped Complainant [REDACTED] vehicle because he had a non-working headlight at 9442 S. Normal Ave. As soon as the officers approached [REDACTED] he became hostile and confrontational. The officers returned to their police car with his license and registration to run [REDACTED] name. As they were sitting in their car, [REDACTED] got out of his car and moved quickly towards the officers with his cell phone in hand. Officers Hayden and Tracy got out of their car and rushed at [REDACTED] backed away from the officers and ran into the corner of his car's open driver side door. Officer Hayden and Tracy then used a takedown maneuver to bring [REDACTED] to the ground. Officer Hayden placed his knee on [REDACTED] back as he handcuffed him. [REDACTED] was transported to the 22nd District station by Sgt. James Desmond. [REDACTED] alleges that the officers' actions amounted to excessive force, that they were rude and unprofessional, and falsely arrested him. COPA reviewed these allegations.

II. INVOLVED PARTIES

Involved Officer #1:	Joseph Hayden Star #6035 / Employee # [REDACTED] Date of Appointment: September 1, 2010 Police Officer / Unit 212 Date of Birth: [REDACTED] 1982 Male / White
Involved Officer #2:	Patrick Tracy Star# 15327 / Employee # [REDACTED] Date of Appointment: December 16, 2009 Police Officer / Unit 212 Date of Birth: [REDACTED] 1984 Male / White
Subject #1:	[REDACTED] Date of Birth: August 5, 1994 Male / Black

III. ALLEGATIONS

Officer	Allegation	Finding
Officer Joseph Hayden	1. It is alleged that on May 1, 2018, at approximately 8:40 p.m., at or near 9442 S. Normal Ave, Officer Joseph Hayden used a takedown maneuver on [REDACTED] in violation of Rules 8 and 9.	Exonerated
	2. It is alleged that on May 1, 2018, at approximately 8:40 p.m., at or near 9442 S. Normal Ave, Officer Joseph Hayden placed his knee on [REDACTED] back, in violation of Rules 8 and 9.	Exonerated
	3. It is alleged that on May 1, 2018, at approximately 8:40 p.m., at or near 9442 S. Normal Ave, Officer Joseph Hayden falsely arrested [REDACTED] in violation of Rule 1.	Unfounded
	4. It is alleged that on May 1, 2018, at approximately 8:40 p.m., at or near 9442 S. Normal Ave, Officer Joseph Hayden was rude and unprofessional to [REDACTED] by his overall demeanor, in violation of Rules 8 and 9.	Unfounded
Officer Patrick Tracy	1. It is alleged that on May 1, 2018, at approximately 8:40 p.m., at or near 9442 S. Normal Ave, Officer Patrick Tracy used a takedown maneuver on [REDACTED] in violation of Rules 8 and 9.	Exonerated
	2. It is alleged that on May 1, 2018, at approximately 8:40 p.m., at or near 9442 S. Normal Ave, Officer Patrick Tracy falsely arrested [REDACTED] in violation of Rules 8 and 9.	Unfounded

IV. APPLICABLE RULES AND LAWS

Rules

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

General Orders

1. G-03-02-01: Force Options

Federal Laws

1. U.S. Constitution, Fourth Amendment

State Laws

1. 725 ILCS 5/107-2

V. INVESTIGATION¹

a. Interviews

In his May 17, 2018 **statement to COPA**,² Complainant ██████████ stated that on May 1, 2018 he was arguing with his girlfriend over the phone and driving his car when Officers Hayden and Tracy pulled him over. ██████████ hung up as Officer Hayden approached his window. ██████████ handed over his documents before the officers requested them, asked the officers not to shine their flashlights in his face, and then inquired why they pulled him over. Officer Hayden told him it was because his headlight was burned out, and ██████████ responded that he had already been pulled over the previous evening for the same reason but had not had the chance to fix it. ██████████ said that he “exchanged words” with Officer Hayden, who then called ██████████ “a joke.” ██████████ attempted to call his father,³ exited his car with his phone in hand, and asked the officers for their badge numbers. The officers screamed “Get on the fucking ground!” and then tackled ██████████. One officer placed a knee in ██████████ back for “a good five seconds.” ██████████ demanded to know why he was being arrested and said, “Why the fuck is your knee in my back?” The officers refused to respond. A third officer wearing a white shirt came to take him to the station. While ██████████ was at the station he spoke with Officer Hayden again. ██████████ said that Officer Hayden bickered with him and told ██████████ that he knows a lot of officers’ sons who are “jerks.” ██████████ also said that while he was at the station he noticed a bruise on his back and believed the officer who placed a knee on his back caused the injury. ██████████ said he did not ask for medical attention because he did not want to delay his release from custody. ██████████ denied assaulting the officers but conceded that he traded insults with them.

In his June 19, 2018 **statement to COPA**,⁴ Accused Officer Joseph Hayden stated that on May 1, 2018 he and his partner, Officer Tracy, pulled ██████████ over at 9442 S. Normal Ave. As soon as Officers Hayden and Tracy approached the car to conduct a field interview, ██████████ began screaming at them. ██████████ was irate and agitated and told the officers to get their flashlights out of his face. Before Officer Hayden could even ask for his license and insurance, ██████████ aggressively pushed his documents at Officer Hayden. ██████████ then stated that he had already been pulled over for the same violation the day before, and he believed the police were harassing him. Officer Hayden said that he responded to ██████████ by saying, “You’re a joke.” He explained

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

² Attachment 17

³ ██████████ stated that his father is CPD Police Officer William Tolliver.

⁴ Attachment 29

that he said this because [REDACTED] was acting aggressively and swearing at the officers, and he thought that this was inappropriate behavior. Officers Hayden and Tracy returned to their car to run [REDACTED] name. As they were sitting in their car, [REDACTED] swung open his car door, started “yelling and screaming,” and approached the officers with a dark object in his hand. Officer Hayden said that, based on his training, he believed [REDACTED] may have been attempting to attack the officers. He said he feared for his safety as [REDACTED] rushed at them. Officers Hayden and Tracy got out of their car, conducted an emergency takedown and handcuffed [REDACTED] for their safety. He said that an emergency takedown is a technique that officers use to take control of a situation and bring a subject to the ground safely. He added that a takedown is performed by grabbing a subject by the arm or collar and guiding them to the ground. Once the subject is on their stomach on the ground, it is easier to handcuff them behind their back.

Once [REDACTED] was in handcuffs, the officers assisted him off the ground and placed him in custody for aggravated assault. The officers did not have a cage car, so they called for a transport car. Sgt. James Desmond then arrived on scene and transported [REDACTED] to the 22nd District. Officer Hayden stated he may have placed his knee on [REDACTED] back. He said that he learned at the Academy to use his knee as part of the emergency takedown technique. He added that an officer will use their knee to control a subject during the takedown. Officer Hayden also identified [REDACTED] as an assailant, stating that he was aggressive towards the officers and rushed at them with an unknown object in his hand. He added that he feared that [REDACTED] was going to attack him and his partner. Once the arrest was complete, the officers went back to the 22nd District to complete paperwork. Officer Hayden interacted with [REDACTED] again at the 22nd District. He described [REDACTED] as angry and “throwing insults” at the officers, but he denied insulting [REDACTED]

In his June 19, 2018 **statement to COPA,⁵ Accused Officer Patrick Tracy** provided essentially the same account as Officer Hayden. He added that they pulled [REDACTED] over because they observed him driving with a burned-out headlight. He also said that it would not have been safe for him and Officer Hayden to stay in their car as [REDACTED] rushed at them with an object in his hand. Officer Tracy said that he ordered [REDACTED] to drop whatever was in his hand and [REDACTED] backed away from the officers towards his own car. The officers then performed a takedown maneuver. Officer Tracy added that, because [REDACTED] was considered an assailant, he and Officer Hayden would have been permitted to use a greater level of force than they did. Once they all went back to the 22nd District, [REDACTED] continued to scream at the officers and act hostilely.

In his July 9, 2018 **statement to COPA,⁶ Witness Sgt. James Desmond** stated that when he arrived on scene, he saw Officers Hayden and Tracy holding [REDACTED] in handcuffs. [REDACTED] was angry, hostile, and yelling. Sgt. Desmond transported [REDACTED] to the 22nd District because he had a cage car and the officers did not. During the drive back to the District, [REDACTED] continued to yell and act excitedly. Once at the station, Sgt. Desmond interviewed [REDACTED] in lockup. [REDACTED] gave Sgt. Desmond the impression that [REDACTED] was already very excited by the time the officers pulled him over, which may explain why [REDACTED] behaved the way he did. Sgt. Desmond also offered [REDACTED] medical treatment, which [REDACTED] declined. Sgt. Desmond did not observe any injuries to [REDACTED]

⁵ Attachment 34

⁶ Attachment 36

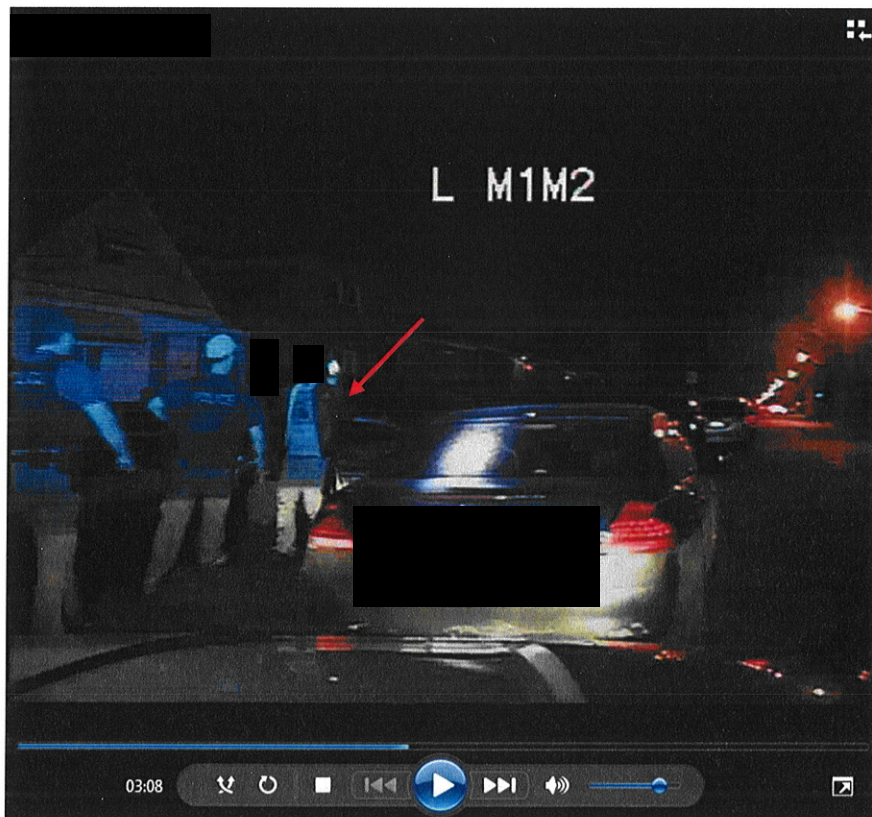
b. Digital Evidence⁷

In-car camera footage⁸ from Officers Hayden and Tracy's car captures their on-scene encounter with [REDACTED]. Officer Hayden approaches [REDACTED] driver side while Officer Tracy approaches the passenger side. As soon as Officers Hayden and Tracy approach, [REDACTED] begins speaking to them in an excited tone. [REDACTED] can be heard telling the officers that he has already been pulled over for the same headlight, and Officer Hayden tells him that he should get it fixed. [REDACTED] becomes increasingly agitated, and Officer Hayden tells him to relax. As [REDACTED] continues to raise his voice, Officer Hayden tells him that everything is being recorded on camera. [REDACTED] responds by saying, "That's cool, I'm glad! (inaudible) know I'm getting pulled over for something I know about, and you have my information, and you can leave me the fuck alone now." Officer Hayden responds with, "You're a joke", and [REDACTED] says, "My dad probably trained you." Officers Hayden and Tracy return to their car with [REDACTED] documents. Approximately 45 seconds later, [REDACTED] quickly exits his car with something in his hand held up to his ear. Officers Hayden and Tracy immediately get out of their car and move quickly towards [REDACTED]. [REDACTED] retreats and hits his back on the edge of his open car door. Officers Hayden and Tracy perform a takedown maneuver by grabbing [REDACTED] t-shirt collar and pulling him down to a grassy parkway. Officer Hayden can be seen with his knee on [REDACTED] back for approximately 15 seconds. Once he is in handcuffs, the officers immediately bring [REDACTED] to his feet and walk him to the side of their car. [REDACTED] remains agitated and verbally confrontational until the footage ends.

The moments when [REDACTED] backs into his car door are depicted below:

⁷ Unit 212 was not equipped with body-worn cameras on May 1, 2018. As such, video of this incident is limited to footage from an in-car camera.

⁸ Attachment 21



Photos taken by [REDACTED] on May 2, 2018 depict a small laceration in the middle of [REDACTED] back and a bruise below his right ear on the back of his neck.

c. Documentary Evidence

The related CPD reports¹⁰ provide essentially the same account of the events as the officers' statements. The Arrest Report¹¹ indicates that the officers arrested [REDACTED] for two counts of Aggravated Assault to a Peace Officer.

VI. ANALYSIS

COPA recommends a finding of **EXONERATED** for Allegations #1 and #2 against Officer Hayden, and Allegation #1 against Officer Tracy. It is undisputed that Officers Hayden and Tracy performed a takedown maneuver and Officer Hayden placed his knee on [REDACTED] back. CPD's Use of Force Policy defines a takedown as, "The act of directing a subject to the ground to limit physical resistance, prevent escape, or increase the potential for controlling the subject."¹² This policy permits department members to use a takedown on active resisters and assailants.¹³ An assailant is defined as, "...a subject who is using or threatening the use of force against another person or himself/herself which is likely to cause physical injury."¹⁴ Here, [REDACTED] was an assailant when he exited his car and rushed at the officers with an unknown object in his hand. Given that [REDACTED] had been agitated, confrontational, and aggressive since the beginning of the traffic stop, it was reasonable for the officers to fear for their safety and suspect that [REDACTED] may attempt to harm them. Furthermore, it was appropriate for Officer Hayden to briefly place his knee on [REDACTED] back as part of the takedown maneuver as a means of controlling him. Although [REDACTED] claimed that it was Officer Hayden placing his knee on [REDACTED] back that caused a laceration, it is more likely than not, based on the in-car camera footage, that [REDACTED] injured himself when he walked backwards into the edge of his own car door. Because the officers' use of force was within CPD policy, Allegations #1 and #2 against Officer Hayden and Allegation #1 against Officer Tracy are **EXONERATED**.

COPA recommends a finding of **UNFOUNDED** for Allegation #3 against Officer Hayden and Allegation #2 against Officer Tracy, that the officers falsely arrested [REDACTED]. Illinois law states that, "A peace officer may arrest a person when s/he has reasonable grounds to believe that the person has committed an offense."¹⁵ Here, the officers arrested [REDACTED] because they believed he had committed aggravated assault against them, which is further supported by the charges listed in their Arrest Report. Further, the initial traffic stop was permissible, as well. The officers stated that they pulled [REDACTED] over for a broken headlight, and [REDACTED] himself conceded that the headlight needed to be fixed. The fact that that he had already received a ticket for the same offense does not preclude other law enforcement officers from citing [REDACTED] again; rather, it merely proves that [REDACTED] had knowledge of the defect. Since Officers Hayden and Tracy

⁹ Attachment 37

¹⁰ Attachments 4-7

¹¹ Attachment 4

¹² General Order G03-02-01-IV-B-2-c-(3)

¹³ General Order G03-02-01-IV-B-2-C-1-a

¹⁴ General Order G03-02-01-IV-C

¹⁵ 725 ILCS 5/107-2(1)(c)

believed that [REDACTED] had committed a criminal offense, they were justified in arresting him, and Allegation #2 is **UNFOUNDED**.

COPA recommends a finding of **UNFOUNDED** for Allegation #4 against Officer Hayden, that he was rude and unprofessional to [REDACTED] by his overall demeanor. The in-car camera footage sheds light on the tone of [REDACTED] interaction with the officers. From the first moment [REDACTED] spoke with Officer Hayden, he was hostile and antagonizing. Officer Hayden attempted to calm [REDACTED] by telling him to relax and displayed a restrained and dispassionate demeanor. It was only after [REDACTED] engaged in a tirade that ended with him telling the officers to “leave me the fuck alone” that Officer Hayden said, “You’re a joke”, and walked away. [REDACTED] claimed that Officer Hayden bickered with him at the 22nd District, but also conceded that he argued with the officers. Conversely, Officer Hayden denied insulting [REDACTED] at the station. Overall, Officer Hayden’s statement that [REDACTED] is “a joke”, when balanced against [REDACTED] consistently ill-mannered conduct, does not rise to the level of rude or unprofessional behavior. As such, Allegation #4 is **UNFOUNDED**.

VII. CONCLUSION

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

Officer	Allegation	Finding
Officer Joseph Hayden	1. It is alleged that on May 1, 2018, at approximately 8:40 p.m., at or near 9442 S. Normal Ave, Officer Joseph Hayden used a takedown maneuver on [REDACTED] in violation of Rules 8 and 9.	Exonerated
	2. It is alleged that on May 1, 2018, at approximately 8:40 p.m., at or near 9442 S. Normal Ave, Officer Joseph Hayden placed his knee on [REDACTED] back, in violation of Rules 8 and 9.	Exonerated
	3. It is alleged that on May 1, 2018, at approximately 8:40 p.m., at or near 9442 S. Normal Ave, Officer Joseph Hayden falsely arrested [REDACTED] in violation of Rule 1.	Unfounded
	4. It is alleged that on May 1, 2018, at approximately 8:40 p.m., at or near 9442 S. Normal Ave, Officer Joseph Hayden was rude and unprofessional to [REDACTED] by his overall demeanor, in violation of Rules 8 and 9.	Unfounded
Officer Patrick Tracy	1. It is alleged that on May 1, 2018, at approximately 8:40 p.m., at or near 9442 S. Normal Ave, Officer Patrick Tracy used a takedown maneuver on [REDACTED] in violation of Rules 8 and 9.	Exonerated

2. It is alleged that on May 1, 2018, at approximately 8:40 p.m., at or near 9442 S. Normal Ave, Officer Patrick Tracy falsely arrested [REDACTED] in violation of Rules 8 and 9.

Unfounded

Approved: [REDACTED]

Erica Sangster
Acting Deputy Chief Administrator – Chief Investigator

7/30/2018

Date

Appendix A

Assigned Investigative Staff

Squad:	9
Investigator:	Jessica Ciacco
Supervising Investigator:	Shannon Hayes
Deputy Chief Administrator:	Erica Sangster