

SUMMARY REPORT OF INVESTIGATION

I. EXECUTIVE SUMMARY

Date of Incident:	January 17, 2019
Time of Incident:	6:50 pm
Location of Incident:	4758 S. Pulaski Road
Date of COPA Notification:	February 21, 2019
Time of COPA Notification:	6:55 pm

On January 17, 2019, police officers were investigating a repast party at the Watra nightclub. Officer George Spacek (“Officer Spacek”) was assaulted by members of the crowd while trying to arrest [REDACTED] ([REDACTED] Accused Officer Sean Campbell (“Officer Campbell”) discharged Oleoresin Capsicum (“OC”) Spray in defense of Officer Spacek without obtaining prior authorization to discharge OC Spray. The discharge incident was not reported to COPA until February 21, 2019.

II. INVOLVED PARTIES

Involved Officer #1:	Sean Campbell, Star No. 5673, Employee ID No. [REDACTED], Date of Appointment: April 13, 1998, PO, Unit of Assignment 008/814, DOB: [REDACTED], 1973, male, White
Involved Sergeant #2:	Richard Salvador, Star No. 964, Employee ID No. [REDACTED], Date of Appointment: November 29, 2004, Sergeant, Unit of Assignment 010/716, DOB: [REDACTED], 1981, male, Asian Pacific Islander
Involved Lieutenant #3:	James Cascone, Star No. 560, Employee ID No. [REDACTED], Date of Appointment: Lieutenant, Unit of Assignment 004/716, DOB: [REDACTED], 1967, male, White
Involved Officer #4:	George Spacek, Star No. 3913, Employee ID No. [REDACTED], Date of Appointment: PO, Unit of Assignment, DOB: male, White
Involved Individual #1:	[REDACTED] DOB: [REDACTED], 1997, male, Black
Involved Individual #2:	Unidentified individuals

III. ALLEGATIONS

Officer	Allegation	Finding / Recommendation
Officer Sean Campbell	1. It is alleged that you discharged your Oleoresin Capsicum (OC) Spray into a crowd on January 17, 2019, at the Watra Night Club, 4758 S. Pulaski Road, at approximately 6:50 pm without prior approval from the Superintendent or his designee.	Exonerated
Sergeant Richard Salvador	1. It is alleged that you failed to make a timely report to COPA that Officer Sean Campbell discharged his Oleoresin Capsicum (OC) Spray into a crowd on January 17, 2019, at the Watra Night Club, 4758 S. Pulaski Road, at approximately 6:50 pm.	Sustained/ Reprimand
Lieutenant James Cascone	1. It is alleged that you failed to make a timely report to COPA that Officer Sean Campbell discharged his Oleoresin Capsicum (OC) Spray into a crowd on January 17, 2019, at the Watra Night Club, 4758 S. Pulaski Road, at approximately 6:50 pm.	Sustained/ Reprimand

IV. APPLICABLE RULES AND LAWS

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 3: Any failure to promote the Department’s efforts to implement its policy or accomplish its goals
3. Rule 6: Disobedience of an order or directive, whether written or oral
4. Rule 10: Inattention to duty.

General Orders

1. G03-02-01 Force Options (effective, October 16, 2017 – February 29, 2020)

2. G03-02-05 Oleoresin Capsicum (OC) Devices and Other Chemical Agent Use Incidents (effective, October 16, 2017 – February 29, 2020)

3.G03-02-02 Incidents Requiring the Completion of a Tactical Report (effective, October 16, 2017 – February 29, 2020)

V. INVESTIGATION¹

a. Interviews

Officer Sean Campbell² provided a statement to COPA on May 1, 2019. Prior to providing the statement, Officer Campbell reviewed reports relating to the incident and a portion of his BWC footage. The following is a summary of his statement.

Officer Campbell was on duty at the time of the incident. He and his partner, Officer Adam Stark, received information from an outside unit that there was to be a repast at Watra nightclub. Officer Campbell's purpose for going to the repast was to make sure the repast was safe and peaceful because the repast was in relation to a gang death. When Officer Campbell arrived at Watra, he was instructed by a superior officer from the gang unit to go to the back of the nightclub to make sure no one was back there or running out with guns. Officer Campbell went to the back of the nightclub as instructed and observed that no one could get out from the back. While at the back of the nightclub, Officer Campbell heard screaming and glass breaking in the building and relocated to the front of the nightclub.

Arriving at the front of the building, Officer Campbell observed people running around and yelling. Officer Campbell checked the bathroom and then he went to the opposite side of the nightclub where he observed two officers near the front being approached by civilians in an aggressive manner. Officer Campbell approached the two officers believing that they were in danger and stood in front of the officers to keep civilians away from them. Officer Campbell told the civilians to "get back." At one point, a woman threw a chair at Officer Campbell. Officer Campbell stated that he saw Officer Spacek struggling with an offender who was being an active resister and that Officer Spacek looked at Officer Campbell and called for him. Officer Campbell went to Officer Spacek, who was surrounded by civilians. Three of the civilians were trying to pull Officer Spacek from the offender. Officer Campbell believed that Officer Spacek was in danger. Officer Campbell placed both hands on the right arm of the offender and tried to affect a wrist lock. Officer Campbell also gave verbal direction to the three civilians pulling Officer Spacek that they did not heed. Officer Campbell then warned the civilians that he was going to use OC spray and then sprayed the individuals pulling on Officer Spacek, because they were assailants. Officer Campbell estimated that he held the stream for about a second and a half. Officer Campbell stated that he saw no people, civilian or officer, in the line of the stream of the OC Spray besides the three assailants.

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

²Att. 31.

When Officer Campbell returned to 8th District, he completed a Tactical Response Report and informed his Watch Commander that he had a TRR incident. Officer Campbell then presented his TRR to Sergeant Salvador of the Gang Unit. Lieutenant Cascone of the Gang Unit approved Officer Campbell's TRR.

Sergeant Richard Salvador³ provided a statement to COPA on June 12, 2019. Prior to providing his statement, Sergeant Salvador reviewed reports relating to the incident that were authored by officers that Sergeant Salvador supervised. The following is a summary of his statement.

Sergeant Salvador was on duty as the Supervising Sergeant for the Area South Gang Unit on the day of the incident. Sergeant Salvador arrived at the Watra nightclub to corroborate intelligence that his unit and the 8th District had gathered regarding activity at the Watra nightclub. When Sergeant Salvador arrived, he observed that there was a repast, and it was his understanding that some people in attendance were armed and dangerous. Sergeant Salvador also observed people standing in the front of the nightclub, who, when they became aware of the police presence, grabbed their waistbands, and ran into Watra. Sergeant Salvador entered the nightclub and observed that the scene inside was chaotic and that Department members were outnumbered.

Sergeant Salvador first became aware of Officer Campbell on scene toward the end of activity when Officer Campbell notified Sergeant Salvador that he discharged his OC Spray. Officer Campbell explained to Sergeant Salvador that Officer Spacek was holding an individual for arrest and that the officer was being battered by individuals and that individuals were trying to pull the arrestee out of Officer Spacek's custody. Officer Campbell said he sprayed the OC at the three individuals who were battering Officer Spacek to defend Officer Spacek and to prevent the three individuals from stopping the arrest.

Sergeant Salvador returned to the 8th District and directed Officer Campbell to complete a TRR. Sergeant Salvador stated that his duties with respect to the TRR include reviewing the TRR for accuracy and completeness and providing any necessary notifications. Sergeant Salvador approved the portion of Officer Campbell's TRR that Sergeant Salvador was authorized to approve. Sergeant Salvador stated that Lieutenant Cascone was on scene, but that Sergeant Salvador did not have any conversations with Lieutenant Cascone specifically about Officer Campbell's TRR.

Sergeant Salvador acknowledged that he is the person under the General Orders who would be responsible for notifying COPA when OC Spray is discharged. Sergeant Salvador stated that he failed to notify COPA regarding Officer Campbell's discharge of the OC Spray in a timely manner because he simply forgot. Sergeant Salvador explained that he had worked a double shift at the time of the incident.

Lieutenant James Cascone⁴ provided a statement to COPA on June 13, 2019. Prior to providing a statement, Lieutenant Cascone reviewed documents relating to the incident that he drafted or previously reviewed. The following is a summary of his statement.

³ Att. 34.

⁴ Att. 35.

Lieutenant Cascone stated that he came to Watra nightclub the evening of the incident because a repast for a person who was killed in high profile killing was being held there. He received information that there were multiple firearms on the premises. Lieutenant Cascone's intention on visiting Watra was to do a license premise check and to check for the presence of firearms. He estimated that approximately thirty officers went to the Watra nightclub the day of the incident. Lieutenant Cascone became aware of Officer Campbell when Lieutenant Cascone was notified by Sergeant Salvador on scene that Officer Campbell discharged OC Spray.

Lieutenant Cascone explained that with respect to OC discharges, his role as a Lieutenant is to review the TRRs to be sure everything complies with CPD procedure and then to ensure that a notification to COPA or IAD has been made. On the evening of the incident, Lieutenant Cascone reviewed the TRRs that Sergeant Salvador reviewed, including Officer Campbell's TRR. Lieutenant Cascone stated that with respect to Officer Campbell's TRR, Lieutenant Cascone followed standard review procedure by reviewing the narrative completed by the officer and then completing his own narrative based on the facts and the paperwork presented to him. Lieutenant Cascone determined that Officer Campbell's discharge of the OC spray complied with Department procedures. Lieutenant Cascone did not notify COPA or BIA regarding the discharge because he mistakenly thought the 8th District would be responsible for the paperwork because Officer Campbell is detailed to the 8th District and Lieutenant Cascone was detailed to Unit 312, a Gang Unit. Lieutenant Cascone notified COPA via Initiation Report on February 21, 2019.

b. Digital Evidence

BWC footage from Officer Campbell⁵ shows officers attempting to clear repast guests from the Watra nightclub. The scene appears chaotic and loud. Officer Campbell can be seen entering through a back entrance of Watra and checking the back of the nightclub including the restroom. Officer Campbell then makes his way toward a large, crowded area where police are trying to control the crowd. The area is dark and noisy, and it is difficult to see or hear what is being captured by the BWC. Officer Campbell approaches a group of people near ██████ who Officer Spacek is attempting to place in custody. A woman can be heard shouting, "Do not touch him."⁶ Officer Campbell appears to be pushing past the group. Officer Spacek can be seen holding ██████ and a woman, wearing black pants with writing on the leg appears to be pulling on Officer Spacek.⁷ Seconds later, Officer Campbell can be seen holding a dark small object in his right hand, presumably the OC Spray, that he points towards a group of people.⁸ Those at whom Officer Campbell aims run off covering their faces.

An officer can be heard stating, "Everybody get back."⁹ Officer Campbell can be heard stating, "Hands behind your back, or I'm going to mace you," to ██████¹⁰ The BWC also shows Officer Campbell taking ██████ in custody and placing him in a Department van. Officer Campbell

⁵ Atts. 32 and 33.

⁶ Att. 32, at 1 minute and 27 seconds.

⁷ Att. 32, at 1 minute and 51 seconds.

⁸ Att. 32, at 1 minute and 56 seconds.

⁹ Att. 32, at 2 minutes and 11 seconds.

¹⁰ Att. 32, at 2 minutes and 16 seconds.

then re-enters Watra to look for [REDACTED] car keys to give to [REDACTED] sister so that she may drive his car home. While inside, Officer Campbell can be heard telling multiple members that he used his OC spray.¹¹ Officer Campbell also radios dispatch requesting that they "write him down for OC spray."¹² A few moments later, Officer Campbell contacts dispatch again and repeats that he had an OC discharge.

c. Documentary Evidence

The **Original Case Incident Report (OCIR)**¹³ submitted by Officer Victor Perez, and approved by Sergeant Salvador, includes [REDACTED] in the list of suspects and Officer Spacek in the list of victims. The narrative, as it relates to the incident connected to this log number, states as follows:

"The 8th District and Area South Gang Enforcement Unit received information...that there was a repast at Watra Nightclub located at 4758 S. Pulaski for [a] [REDACTED]...who was murdered in the 7th District...The information gathered also related that there could be possible retaliation and/or armed gang members at that location...With this knowledge, the 8th District and Area South Gang Re-enforcement, along with several supervisors, relocated to Watra Nightclub...Upon approach, several officers...observed an unknown male black standing in the front of Watra Nightclub holding his waistband in a manner known to R/O's as concealing or securing a firearm...To ensure the subject was not endangering the safety of the people in the establishment, understanding the gang related information given, R/O's along with the rest of the officers entered the Watra Nightclub...

Due to the chaos that had erupted within Watra Nightclub, all officers were giving lawful verbal commands to exit the above location...Offender [REDACTED] pushed PO Spacek #3913 in the chest with his open hands knocking him backwards and attempted to flee. PO Spacek advised Offender [REDACTED] that he was under arrest while attempting to restrain the arrestee with control holds. Offender [REDACTED] then struck PO Spacek with a closed fist to the left side of the head causing PO Spacek to almost black out and lose his balance. While PO Spacek was applying control holds, Offender [REDACTED] struck PO Spacek several more times to the top of the head...while several unknown subjects attempted to pull PO Spacek away from Offender [REDACTED] attempting to assist in defeating arrest....PO Campbell #5673, came to PO Spacek's aid and was able to disperse the crowd surrounding PO Spacek after using control holds and OC Spray. Officers Campbell and Spacek were able to perform an emergency takedown and handcuffing techniques and placed Offender [REDACTED] into custody. The unknown battery offenders in crowd pulling on PO Spacek that were sprayed with OC by PO Campbell then fled the scene and officers could not identify or find the offenders during the event...

¹¹ Att. 33, at 10 minutes and 29 seconds.

¹² Att. 33, at 11 minutes and 34 seconds.

¹³ Att. 1.

TRR completed by Officer Campbell...PO Campbell made the proper notifications after OC deployment. IOD completed for PO Campbell.”¹⁴

The **Arrest Report**¹⁵ for ██████ states that ██████ was charged with one count of aggravated battery of a police officer, Officer Spacek, and two counts of resisting and obstructing arrest which lists Officer Spacek and Officer Campbell as victims. The narrative in the report reflects the information contained in the OCIR with respect to the interactions of ██████ with Officer Spacek and Officer Campbell.

The **Initiation Report**¹⁶ sent to COPA by Lieutenant Cascone regarding Officer Campbell’s discharge of OC Spray is dated February 21, 2019. The narrative of the incident contained in the report is consistent with the narrative provided in the OCIR.

A **Tactical Response Report (“TRR”)**¹⁷ completed by Officer Campbell reports that Officer Campbell used an emergency take down and OC Spray on ██████ in response to ██████ not following verbal directions, stiffening, and pulling away. The force mitigation efforts Officer Campbell indicates were used included member presence, verbal direction, specialized units, and additional unit members. The narrative included in the TRR is consistent with that provided in the OCIR.

In the Reviewing Supervisor comments section, Sergeant Salvador wrote, “After review of the incident and the facts presented, there was no misconduct that merits a log number/notification to COPA.”¹⁸ Sergeant Salvador did not check the box indicating that a log number was obtained from COPA.

In the Lieutenant/Incident Commander comments section, Lieutenant Cascone determined that Officer Campbell’s responses, including his discharge of OC Spray, were within the Department’s Use of Force guidelines. Lieutenant Cascone did not check the box in the Lieutenant/Incident Commander section that would indicate that notification to COPA was required.

The TRR records that Sergeant Salvador and Lieutenant Cascone completed their review of the document on January 18, 2019.

VI. LEGAL STANDARD

For each Allegation COPA must make one of the following findings:

1. **Sustained** - where it is determined the allegation is supported by a preponderance of the evidence;

¹⁴ Att. 1.

¹⁵ Att. 8.

¹⁶ Att. 15.

¹⁷ Att. 4.

¹⁸ Att. 4.

2. Not Sustained - where it is determined there is insufficient evidence to prove the allegations by a preponderance of the evidence;
3. Unfounded - where it is determined by clear and convincing evidence that an allegation is false or not factual; or
4. Exonerated - where it is determined by clear and convincing evidence that the conduct described in the allegation occurred, but it is lawful and proper.

A **preponderance of evidence** can be described as evidence indicating that it is **more likely than not** that the conduct reviewed complied with Department policy. *See Avery v. State Farm Mutual Automobile Insurance Co.*, 216 Ill. 2d 100, 191 (2005), (a proposition is proved by a preponderance of the evidence when it has found to be more probably true than not). If the evidence gathered in an investigation establishes that it is more likely that the conduct complied with Department policy than that it did not, even if by a narrow margin, then the preponderance of the evidence standard is met.

Clear and convincing evidence is a higher standard than a preponderance of the evidence but lower than the "beyond-a-reasonable doubt" standard required to convict a person of a criminal offense. *See e.g., People v. Coan*, 2016 IL App (2d) 151036 (2016). Clear and Convincing can be defined as a "degree of proof, which, considering all the evidence in the case, produces the firm and abiding belief that it is highly probable that the proposition . . . is true." *Id.* at ¶ 28.

VII. ANALYSIS

a. Officer Campbell's discharge of OC Spray was within Department policy.

Failure to discharge OC Spray in a manner within Department policy would be a violation of Rule 6. Here, clear and convincing evidence shows that it is more likely than not that Officer Campbell discharged his OC Spray in a manner that was within policy. Officer Campbell's BWC footage provides verifiable evidence that corroborates Officer Campbell's statements that the scene in Watra was chaotic and that unknown individuals were attempting to defeat the arrest of ██████ by grabbing and battering Officer Spacek. The individuals grabbing and battering Officer Spacek can be classified as assailants under the Department Use of Force directive. G03-02-05 permits the use of OC Spray against assailants without prior authorization of a Superintendent.¹⁹ After using the OC Spray, Officer Campbell in a timely manner, notified OEMC and completed a TRR as required by the directive. COPA finds this allegation to be **Exonerated**.

b. Sergeant Salvador failed to timely notify COPA regarding the discharge of OC Spray by Officer Campbell.

In his review comments in Officer Campbell's TRR, Sergeant Salvador stated that there was no misconduct that required notification to COPA. However, COPA is required to be notified

¹⁹ G03-02-05 (II) (C) (1).

whenever OC Spray is discharged regardless of whether any misconduct was involved.²⁰ As Reviewing Supervisor, Sergeant Salvador had a responsibility to ensure notifications were made consistent with the department directives in G03-02-05 and he admitted to not fulfilling this responsibility.²¹ For these reasons, COPA finds that Sergeant Salvador disobeyed Department directives and violated Rule 6. The allegation against him is **Sustained**.

c. Lieutenant Cascone failed to timely notify COPA regarding the discharge of OC Spray by Officer Campbell.

G03-02-05 states that when an officer discharges OC Spray, the Watch Operations Lieutenant or the investigating supervisor, a member who holds the rank of lieutenant or above from the district of occurrence, will “notify COPA and ensure that a log number is obtained.”²² Implicit in this direction is that the notification be timely. In this case, Lieutenant Cascone became aware of Officer Campbell’s discharge of OC Spray the night the incident occurred. However, Lieutenant Cascone did not provide notice to COPA until February 21, 2019, a full month after the incident. Notification to COPA thirty days after the OC discharge occurred is not timely notification. Lieutenant Cascone’s mistaken belief regarding who was responsible for providing notification does not absolve him of his responsibility under the directive. COPA finds that Lieutenant Cascone failed to meet the reporting requirements of G03-02-05 and in so doing violated Rule 6. The allegation against him is **Sustained**.

VIII. RECOMMENDED DISCIPLINE FOR SUSTAINED ALLEGATIONS

a. Sergeant Salvador

i. Complimentary and Disciplinary History

Sergeant Robert Salvador has been a member of the Chicago Police Department since November 29, 2004. Since that time, he has received two Crime Reduction Awards; four Attendance Recognition Awards; eight Complimentary Letters; three Department Commendations; one Emblem of Recognition for Physical Fitness; one hundred-twenty Honorable Mentions; two Honorable Mention Ribbon Awards; one NATO Summit Service Award; one Police Officer of the Month Award; one Presidential Election Deployment Award; one Problem Solving Award; one Special Commendation; one Superintendents Award of Merit; and three Unit Meritorious Performance Awards. Sergeant Salvador was disciplined relating to an incident that occurred on June 9, 2017, for which he received two Reprimands for failure to initiate proper action.

ii. Recommended Penalty

COPA recommends that Sergeant Robert Salvador receive a Reprimand. COPA has considered Sergeant Salvador’s complimentary history, which includes significant recognition for his service, in mitigation. In aggravation, Sergeant Salvador has been previously reprimanded for

²⁰G03-02-05(IV)(E)(2).

²¹ G03-02-02(V)(A)(8)(c).

²² G03-02-05 (III)(E)(2).

failure to take a required action. Sergeant Salvador acknowledged that he did not fulfill his responsibility to ensure that proper notifications were made to COPA regarding the discharge of OC Spray. Thus, the current allegation is an additional instance when Sergeant Salvador should have performed an action and did not. For the foregoing reasons, COPA recommends a Reprimand.

b. Lieutenant Cascone

i. Complimentary and Disciplinary History

Lieutenant James Cascone has been a member of the Chicago Police Department since May 31, 1994. Since that time, he has received one Crime Reduction Ribbon; two Crime Reduction Awards; five Attendance Recognition Awards; one Chicago Police Leadership Award; nine Complimentary Letters; one Democratic National Convention Award; thirteen Department Commendations; fourteen Emblems of Recognition for Physical Fitness; one hundred-seven Honorable Mentions; two Honorable Mention Ribbon Awards; one Joint Operations Award; one Life Savings Award; one NATO Summit Service Award; one Police Blue Star Award; one Presidential Election Deployment Award; three Recognition/Outside Governmental Agency Awards; one Special Commendation; two Superintendents Awards of Valor; one Traffic Stop of the Month Award; one Unit Meritorious Performance Award; and one Other Award.

ii. Recommended Penalty

COPA recommends that Lieutenant James Cascone receive a Reprimand. COPA has considered Lieutenant Cascone’s complimentary history, which includes significant recognition for his service, as well as his lack of disciplinary history, in mitigation. Lieutenant Cascone acknowledged that although he became aware of Officer Campbell’s discharge of OC Spray the night of the incident, he did not notify COPA until approximately a month later and stated that he was confused about who was responsible for making the notification. Nevertheless, Lieutenant Cascone’s notice to COPA was not timely. For the foregoing reasons, COPA recommends a Reprimand.

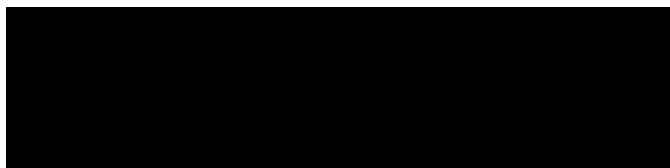
IX. CONCLUSION

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

Officer	Allegation	Finding / Recommendation
Officer Sean Campbell	1.It is alleged that you discharged your Oleoresin Capsicum (OC) Spray into a crowd on January 17, 2019, at the Watra Night Club, 4758 S. Pulaski Road, at approximately 6:50 pm without prior approval from the Superintendent or his designee.	Exonerated

<p>Sergeant Robert Salvador</p>	<p>1. It is alleged that you failed to make a timely report to COPA that Officer Sean Campbell discharged his Oleoresin Capsicum (OC) Spray into a crowd on January 17, 2019, at the Watra Night Club, 4758 S. Pulaski Road, at approximately 6:50 pm.</p>	<p>Sustained/ Reprimand</p>
<p>Lieutenant James Cascone</p>	<p>1. It is alleged that you failed to make a timely report to COPA that Officer Sean Campbell discharged his Oleoresin Capsicum (OC) Spray into a crowd on January 17, 2019, at the Watra Night Club, 4758 S. Pulaski Road, at approximately 6:50 pm.</p>	<p>Sustained/ Reprimand</p>

Approved:



3-15-2023

 Angela Hearts-Glass
 Deputy Chief of Investigations

 Date