

SUMMARY REPORT OF INVESTIGATION

Date/Time/Location of Incident:	March 7, 2020 / 12:09 pm / 2944 W. 63 rd Street
Date/Time of COPA Notification:	March 7, 2020 / 7:09 pm
Involved Officer #1:	Michael Power, star# 8661, Emp. # [REDACTED], Date of Appointment: September 1, 2010, Officer, Unit 008, DOB: [REDACTED], 1984, Male, White
Involved Individual #1:	[REDACTED] DOB: [REDACTED], 2002, Male, Hispanic
Involved Individual #2:	[REDACTED] DOB: [REDACTED], 1978, Female, Hispanic
Case Type:	Verbal Abuse, Excessive Force, Denial of Medical Attention

I. ALLEGATIONS

Officer	Allegation	Finding/ Recommendation
Officer Michael Power	<p>It is alleged by [REDACTED] that on or about March 7, 2020, at approximately 12:09 pm, at or near 2944 W. 63rd Street, Officer Michael Power, Star #8661, committed misconduct through the following acts or omissions, by:</p> <ol style="list-style-type: none"> 1. Being demeaning towards [REDACTED] when you stated words to the effect of, “Her son would not be here if she was a better parent.” 2. Took [REDACTED] to the ground during his arrest, without justification. 3. Choked [REDACTED] while he was in the holding cell at the 8th District, without justification. 4. Struck [REDACTED] while he was in the holding cell at the 8th District, without justification. 5. Denied [REDACTED] medical attention while he was at the 8th District police station. 	<p>Not Sustained</p> <p>Exonerated</p> <p>Not Sustained</p> <p>Not Sustained</p> <p>Unfounded</p>

It is alleged by COPA that on or about March 7, 2020, at approximately 12:09 pm, at or near 2944 W. 63rd Street, Officer Michael Power, Star #8661, committed misconduct through the following acts or omissions, by:

1. Directing unprofessional language at ██████ Sustained

II. SUMMARY OF EVIDENCE¹

The complainant, ██████ initiated a complaint with the Chicago Police Department regarding the conduct of Officer Michael Power. COPA obtained a copy of the Initiation Report² completed by Sergeant John Conneely. In the Initiation Report, ██████ alleged that Officer Power stated words to the effect of, “Well, if you were better parents, he wouldn’t be here.”³ COPA interviewed ██████ regarding her encounter with Officer Power on March 10, 2020. During her interview, ██████ alleged that Officer Power slammed her son, ██████ on the ground during his arrest. ██████ also alleged that Officer Power slapped and choked ██████ inside the 8th District Police Station. Lastly, she alleged that her son, ██████ was denied medical attention at the station. COPA also brought an allegation against Officer Power in that he directed unprofessional language at ██████ COPA attempted to interview ██████ but he failed to attend his scheduled interview, and he stopped answering phone calls from COPA.⁵

COPA interviewed Officer Power⁶ on April 21, 2022, regarding the allegations. On the date of the incident, Officer Power was working with Officer Carrillo, and they responded to a call of a person with a gun. Officer Power attempted to approach ██████ but ██████ fled. Officer Power conducted an emergency takedown on ██████ to gain compliance. Officer Power recovered a handgun from ██████ waistband, and ██████ was arrested and taken back to the 8th District Police Station. At the 8th District Police Station, Officer Power attempted to handcuff ██████ to the wall while in a holding cell. ██████ was subsequently taken to the hospital by assisting officers for minor abrasions he received when he was placed into custody. Officer Power denied all allegations by ██████ and ██████ but admitted to directing unprofessional language at ██████ Officer Power stated that he used that language because it was an intense situation, and his emotions got the best of him. He also stated that he does not normally use that language when dealing with arrestees.

¹COPA conducted a full and complete investigation of this matter, including the interview of civilians and involved officers, and the collection and review of digital, documentary, and forensic evidence.

² Att. 17.

³ Att. 17.

⁴ Att. 3.

⁵ Notes CO-0125674, CO-0126047, & CO-0126190.

⁶ Atts. 48 & 49.

During the investigation, COPA obtained and reviewed several department reports related to the incident, including the Case Report,⁷ Arrest Report,⁸ a Tactical Response Report (TRR) completed by Officer Power,⁹ and an Investigatory Stop Report (ISR).¹⁰ COPA also obtained and reviewed several officers' Body Worn Camera (BWC) videos, including Officer Power's,¹¹ Officer Carrillo's,¹² and several assisting officers'¹³. COPA also obtained and reviewed several POD videos from the 8th District Police Station.¹⁴ Additionally, COPA received and reviewed medical records¹⁵ for ██████████¹⁶

Officer Power's BWC begins with Officer Power riding in the passenger seat of his squad vehicle.¹⁷ Officer Power exits the squad vehicle and approaches two males, one of whom is ██████████. Officer Power attempts to grab ██████████ while ██████████ attempts to flee. Officer Power performs a takedown on ██████████ and his camera falls to the ground. While Officer Power's camera is on the ground, you cannot see what is occurring but can hear what is happening. Officer Power gives verbal commands to ██████████ and calls him a "stupid fuck."¹⁸ Officer Power and ██████████ have a brief conversation, and other officers arrive on the scene. Officer Power says something to the effect of pulling a pistol out of ██████████ pants. Officer Power eventually picks up his camera and repositions it back on his chest area. ██████████ is handcuffed, and three officers are standing around him. ██████████ is escorted to a marked police vehicle, and Officer Power states, "Fucking cock sucker."¹⁹ Officer Power briefly speaks with a second male, ██████████. Officer Power talks with some of the assisting officers and hands one of the officers a black handgun, and tells him that he pulled the gun out of ██████████ underwear.

Officer Carrillo's BWC begins with Officer Carrillo driving the squad vehicle.²⁰ Officer Carrillo exits the squad vehicle, and he and Officer Power approach two males walking on the sidewalk. Both males initially put their hands in the air. The second male, ██████████ begins to run away from the officers. Officer Carrillo initially deals with the first male, ██████████ but subsequently goes to assist his partner with ██████████. Once ██████████ is placed into handcuffs by Officer Power, Officer Carrillo returns to ██████████ and handcuffs him. Officer Carrillo searches ██████████ pockets, and other officers arrive to assist. Officer Carrillo continues to

⁷ Att. 11.

⁸ Att. 9.

⁹ Att. 28.

¹⁰ Att. 45.

¹¹ Att. 29.

¹² Att. 30.

¹³ Atts. 31 – 36.

¹⁴ Atts. 41 – 44. The videos did not capture the alleged incident.

¹⁵ Att. 20.

¹⁶ Medical records indicated that ██████████ reported to staff that he was injured while resisting arrest. ██████████ reported pain to both wrists, knees and face. ██████████ reported he was injured on the sidewalk/cement. X-rays were ordered and taken of both wrists and both knees. The x-rays revealed no evidence of fracture or dislocation and no significant soft tissue swelling. ██████████ was released from the hospital and instructed to rest, apply ice to the injured area, take Tylenol/Ibuprofen for pain and to apply antibiotic ointment to the abrasions.

¹⁷ Att. 29.

¹⁸ Att. 29 at 02:29.

¹⁹ Att. 29 at 06:47.

²⁰ Att. 30.

talk to [REDACTED] while Officer Power and the other officers talk with [REDACTED] Officer Carrillo runs [REDACTED] name through the PDT.

III. 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;
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.²¹ 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. 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."²²

IV. ANALYSIS AND CONCLUSION

COPA finds Allegation #1 **Not Sustained** against Officer Power in that he was demeaning towards [REDACTED] when he stated words to the effect of, "Her son would not be here if she was a better parent." Rule 8 of the Chicago Police Department rules and regulations prohibit disrespect to or maltreatment of any person, whether on or off duty. According to [REDACTED] when she went to the 8th District Police Station to check on her son, Officer Power made the comment regarding her son. However, Officer Power does not recall making this comment to her. Without any other evidence to collaborate or dispel the allegation, COPA finds this allegation Not Sustained.

COPA finds Allegation #2 **Exonerated** against Officer Power in that he took [REDACTED] to the ground during his arrest, without justification. General Order G03-02-01 outlines the Department's policy on the use of force response options and the expectations for members when employing force options. The order defines an active resister as a person who attempts to create

²¹ 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).

²² *People v. Coan*, 2016 IL App (2d) 151036 ¶ 28 (2016).

distance between himself or herself and the member's reach with the intent to avoid physical control and/or defeat arrest. This type of resistance includes, but is not limited to, evasive movement of the arm, flailing arms, and full fight by running. ██████ was an active resister because he attempted to flee from Officer Power during the investigatory stop. In response to ██████ fleeing, Officer Power performed an emergency takedown on ██████. A takedown is one of the approved force options when dealing with an active resister and as such, COPA finds this allegation Exonerated.

COPA finds Allegations #3 & #4 **Not Sustained** against Officer Power in that he choked and struck ██████ while in the holding cell at the 8th District without justification. Rule 9 prohibits engaging in any unjustified verbal or physical altercation with any person, while on or off duty. Officer Power denied choking or striking ██████ while in the holding cell. According to Officer Power, he entered the holding cell in an attempt to handcuff ██████ to the wall, and ██████ went to the ground. Shortly after struggling with ██████ assisting officers entered the holding cell to escort ██████ to the hospital. There are no cameras inside the holding cell or independent witnesses to collaborate or dispel the allegations. Therefore, the allegations are Not Sustained.

COPA finds Allegation #5 **Unfounded** against Officer Power in that he denied ██████ medical attention while he was at the 8th District Police Station. Officer Power was unsure if ██████ requested medical attention or if he just requested medical attention for ██████ because he noticed a couple of scrapes on ██████. However, ██████ was escorted to the hospital by assisting officers and received medical attention. Therefore, this allegation is Unfounded.

COPA finds Allegation #6 **Sustained** against Officer Power in that he directed unprofessional language at ██████. Rule 8 of the Chicago Police Department rules and regulations prohibit disrespect to or maltreatment of any person, whether on or off duty. Rule 2 also prohibits any action or conduct which impedes the Department's efforts to achieve its policy and goals or brings discredit upon the Department. Officer Power admitted to referring to ██████ as a "stupid fuck." Officer Power stated that he used the language because it was an intense situation, and his emotions got the best of him. Given that Officer Power admitted to the allegation, COPA finds the allegation Sustained.

V. RECOMMENDED DISCIPLINE FOR SUSTAINED ALLEGATIONS

Officer Michael Power

i. Complimentary and Disciplinary History

Officer Power has received 98 various awards.

ii. Recommended Discipline

COPA found that Officer Power violated Rules 2 and 8 when he directed unprofessional language to ██████. For these reasons, combined with the officer's complimentary history and no disciplinary history, COPA recommends a **1-3 day(s) suspension**.

Approved:



2-28-2023

Angela Hearts-Glass
Deputy Chief Investigator

Date