

SUMMARY REPORT OF INVESTIGATION¹

I. EXECUTIVE SUMMARY

Date of Incident:	July 30, 2016
Time of Incident:	1:35 A.M.
Location of Incident:	6011 W. Roosevelt Rd.
Date of IPRA Notification:	August 18, 2016
Time of IPRA Notification:	3:31 P.M.

On July 30, 2016, at 1:35 A.M., Officer Richard Pellerano (Pellerano) and Officer Danilo Loza (Loza) observed [REDACTED] place an unknown object, later learned to be an alcoholic beverage, on the ground. Officer Loza exited a marked SUV and approached [REDACTED]. As Officer Loza tried to approach, [REDACTED] turned a corner holding his side and ran away. Officers Loza and Pellerano pursued [REDACTED]. During the pursuit, [REDACTED] slipped and fell on the sidewalk injuring his face. [REDACTED] eventually surrendered to the officers and was taken into custody and transported to the hospital by paramedics.

II. INVOLVED PARTIES

Involved Officer #1:	Richard Pellerano, Star #19165, Emp. [REDACTED] DOA: October 28, 2002, Officer, 015, DOB: [REDACTED] 1977, Male, White
Involved Officer #2:	Danilo Loza, Star #16201, Emp. [REDACTED] DOA: August 25, 2014, Officer, 015, DOB: [REDACTED] 1989, Male, Hispanic
Subject #1:	[REDACTED] DOB: [REDACTED] 1989, Male, Black

¹ On September 15, 2017, the Civilian Office of Police Accountability (COPA) replaced the Independent Police Review Authority (IPRA) as the civilian oversight agency of the Chicago Police Department. Therefore, this investigation, which began under IPRA, was transferred to COPA on September 15, 2017, and the recommendation(s) set forth herein are the recommendation(s) of COPA.

III. ALLEGATIONS

Officer	Allegation	Finding
Officer Richard Pellerano	1. It is alleged on July 30, 2016, at approximately 1:35 A.M., in the vicinity of 6011 W. Roosevelt Rd., Officer Pellerano, star 19165, threw ██████████ to the ground and dragged him 2-3 feet without justification.	Unfounded
Officer Danilo Loza	1. It is alleged on July 30, 2016, at approximately 1:35 A.M., in the vicinity of 6011 W. Roosevelt Rd., Officer Loza, star 16201, threw ██████████ to the ground and dragged him 2-3 feet without justification.	Unfounded

IV. APPLICABLE RULES AND LAWS

Rules

1. Rule 9 – Engaging in any unjustified verbal or physical altercation with any person, while on or off duty.

V. INVESTIGATION ²

a. Interviews

Civilian Interviews

Complainant ██████████ was interviewed on November 4, 2016 at IPRA’s offices. According to ██████████ on the date of the incident, he was walking down the street coming from his friend’s house. ██████████ received a telephone call from his mother while he was on his way home. His mother told ██████████ to be careful because police officers had stopped by their house looking for him because he had a warrant in DeKalb County. As ██████████ was walking to a nearby store, he observed a marked police SUV drive through the alley. One of the officers in the SUV pointed at ██████████ and told him to come over to the vehicle, but he continued to walk. The same officer called out to him again and told him he was going to tase him if he didn’t come over to the vehicle. ██████████ saw the officer remove his taser, so he started to run away from the officer. Both officers began to chase him. ██████████ stopped running because he ran out of breath. The first officer who caught up to ██████████ grabbed him and pulled him to the ground. While ██████████ was on the ground, the same officer dragged him 2-3 feet by his dreadlocks causing ██████████ to receive injuries to his face and to lose a dreadlock.

According to ██████████ the officer asked him why he ran. ██████████ told the officer that he ran because he knew he had a warrant. The officer also asked ██████████ where the gun was and ██████████

² COPA conducted a thorough and complete investigation. The following is a summary of the material evidence gathered and relied upon in our analysis.

denied having a gun. ██████ told the officer he was injured and needed to go to the hospital. The officer put him into another SUV and drove him to Loretto Hospital. According to ██████ the officers who drove him to the hospital were different officers from the ones that chased him. ██████ also asked the nurses at the hospital to call his mother. ██████ mother came to the hospital to see him. According to ██████ the officer who dragged him made ██████ mother leave the hospital and told her she was not supposed to be there. ██████ described the officer who dragged him as a tall white male, who was built up and wearing a uniform. ██████ also related that he had drank two beers when he was at his friend's house but denied being intoxicated.³

Officers Interviews

Officer Driskill was interviewed on March 13, 2018 at the COPA offices. According to Officer Driskill, on the date of the incident he was working with his partner Officer Zulkey. On the date in question he heard a call over the radio and went to the incident location to assist. When Officer Driskill arrived to the incident location, the subject⁴ was already in custody. Officer Driskill also assisted in searching the area for a possible weapon. When Officer Driskill observed the subject, he observed the subject with a cut on the forehead. Officer Driskill was not aware of how the injury was obtained, but learned from the arrest report and original case incident report that the subject obtained the injuries from falling. Officer Zulkey rode in the ambulance with the subject and Officer Driskill followed in the police vehicle. The subject was taken to Loretto Hospital by Cicero paramedics in an ambulance. Officer Driskill described the subject's demeanor as belligerent when he was at the hospital. Officer Driskill did not see any officer injure the subject.⁵

Detective Zulkey⁶ was interviewed on March 16, 2018 at the COPA offices. According to Detective Zulkey, on the date of the incident, he was working with his partner Officer Driskill. Detective Zulkey received a call over the radio about a man with a gun and he went to the incident location to assist. When Detective Zulkey arrived on the scene, the subject⁷ was already in custody. It was believed that the subject had thrown a gun, so Detective Zulkey assisted with searching for a gun. When Detective Zulkey first observed the subject, he recalled seeing blood, but was unsure where the blood was coming from. Detective Zulkey had no first-hand knowledge of how the subject got injured. Detective Zulkey accompanied the subject to the hospital and he described the subject as argumentative and uncooperative. The subject stated to Detective Zulkey that somebody had pushed him and that is how he sustained his injuries.⁸

Officer Loza was interviewed on March 21, 2018 at the COPA offices. According to Officer Loza, on the date of the incident, he was working with his partner Officer Pellerano in a marked SUV. Officer Loza was the passenger in the vehicle. He was in uniform and wearing a body-worn camera. On the date of the incident, Officer Loza was on patrol when he observed an

³ Atts. 20, 21.

⁴ Now known as ██████

⁵ Att. 60.

⁶ At the time of the incident, Detective Zulkey was an officer, he was promoted to a detective after the incident.

⁷ Now known as ██████

⁸ Att. 61.

individual⁹ place an unknown item¹⁰ on the ground and walk away from it. Officer Loza exited the vehicle and attempted to stop the individual. He asked the individual to come over to him, but the individual continued to walk away. Once the individual reached the corner, he began to run away from the officer while holding his side. Officer Loza pursued the individual. As the individual was running, Officer Loza observed him slip and fall on the sidewalk. The individual got up and kept running. Eventually the individual stopped running and surrendered to the officers. The individual was then placed into custody and transported to the hospital by ambulance. Officer Loza described the individual's demeanor as uncooperative and under the influence of something. The individual had bloodshot eyes and slurred speech. Officer Loza denied throwing ██████ to the ground and dragging him.¹¹

Officer Pellerano was interviewed on March 23, 2018 at COPA offices. According to Officer Pellerano, on the date of the incident, he was working with his partner Officer Loza. Officer Pellerano was in uniform and wearing a body-worn camera. He was the driver of a marked SUV. On the date of the incident, Officer Pellerano was on routine patrol when he noticed ██████ place an unknown object to the ground and walk away. ██████ then abruptly fled while holding his side. Officer Pellerano exited the vehicle and began to pursue ██████ along with his partner Officer Loza. According to Officer Pellerano, ██████ surrendered after a brief chase and was taken into custody. Officer Pellerano did observe ██████ injured but did not actually observe how he got injured. Officer Pellerano later learned from his partner that ██████ got injured when he tripped and fell on the sidewalk. ██████ was transported to the hospital by an ambulance. Officer Pellerano denied throwing ██████ to the ground and dragging him.¹²

b. Digital Evidence

Dash-cam video was requested and received from Beats 1511R and 1513R. Neither video shows the actual incident. Dash-cam video from Beat 1511R depicts the officers responding to the incident location, the dispatcher can be heard in the background informing the officers of a foot pursuit that is happening at the incident location. Later in the video, an officer walked into the camera's view with ██████ in handcuffs. Finally the video depicts the SUV following the ambulance to Loretto Hospital. The dash-cam video from 1513R depicts the vehicle parked and an ambulance in front of it. Later, Beat 1513R can be seen leaving the incident location.¹³

Body-worn cam video was also requested and received for Officers Zulkey, Driskill, Loza and Pellerano. There are six clips from Detective Zulkey's camera. Detective Zulkey arrived to the scene after the incident was over and ██████ was in custody, so none of the body-cam footage depicts the actual incident. The first clip shows ██████ laying on the ground handcuffed and officers searching around the alley. ██████ can be heard on the video at 00:55 stating "I don't know what the fuck I am running from, I'm drunk as hell." The second clip shows Detective Zulkey riding in the ambulance with ██████. The remaining clips show

⁹ Now known as ██████

¹⁰ It was later determined to be an alcoholic beverage.

¹¹ Att. 62.

¹² Att. 67.

¹³ Att. 24-28.

Detective Zulkey and Officer Driskill guarding ██████ at the hospital while he awaited treatment.¹⁴

There are two clips from Officer Driskill's body-worn camera. The first clip is at the hospital, after the incident, and the second clip is unrelated to the incident.¹⁵

There are five clips from Officer Loza's body-worn camera. The footage from the camera is all after the incident. In the first clip, ██████ can be seen sitting on a concrete parking slab in handcuffs. The second clip shows ██████ speaking to a sergeant on scene, ██████ can be heard in the clip stating the officer pushed him. The third and fourth clips depict ██████ in the hospital, and the last clip depicts ██████ at the police station being processed.¹⁶

There are seven clips from Officer Pellerano's body-worn camera. The first clip is the most relevant because it shows the end of the incident. Officer Pellerano is depicted running up to ██████ with his gun drawn. ██████ is seen standing up and then immediately getting down on the ground. Officer Pellerano approached ██████ and placed him into handcuffs. Officer Loza arrived at the location and assisted Officer Pellerano with placing the handcuffs on ██████. Officer Pellerano is depicted stepping away from ██████ taking out his flashlight and searching behind a fence. Officer Pellerano can also be heard informing dispatch of his location and ██████ can be heard in the background talking to Officer Loza. At 00:55 you can hear ██████ stating that "he fell and busted his lip." He also stated that he was "drunk as hell." Officer Pellerano can be heard telling the dispatcher that ██████ fell and needed EMS. ██████ can be heard repeatedly telling the officers that he is drunk.¹⁷ The second clip from Officer Pellerano's camera show officers escorting ██████ to the ambulance and the rest of the clips capture ██████ at the hospital.¹⁸

c. Physical Evidence

The **EMS Report** from Cicero paramedics documents that ██████ was ambulatory and in police custody when the ambulance arrived. ██████ had a laceration to his forehead and swelling to his lip. ██████ was listed as verbally combative and uncooperative toward the crew. ██████ also admitted to drinking an unknown amount of alcohol. ██████ was transported to Loretto Hospital with a Chicago police escort.¹⁹

The **medical report from Loretto Hospital** documents ██████ had an acute comminuted depressed fracture of the left nasal bone. There was also a soft tissue laceration in the mid frontal scalp, and soft tissue swelling to the left paranasal and the right mandibular region.²⁰

¹⁴ Att. 42-47.

¹⁵ Att. 48-49.

¹⁶ Att. 31-35.

¹⁷ Att. 69.

¹⁸ Att. 36-41.

¹⁹ Att. 51.

²⁰ Att. 59.

d. Documentary Evidence

The **Original Case Incident Report** (HZ370512) and the **arrest report** document that Officers Pellerano and Loza were on routine patrol when they observed ██████ place an unknown object on the ground. ██████ then proceeded to flee while holding his side. Responding officers, suspecting ██████ was armed, approached for a field interview. Upon approach, ██████ fled running westbound on Roosevelt toward Austin. ██████ continued to run westbound on Roosevelt and as ██████ crossed the street, he slipped and fell onto the sidewalk causing an abrasion to his forehead. ██████ continued to flee westbound on Roosevelt then southbound on Austin toward the alley. As responding officers came into close proximity to ██████ he submitted and laid down on the ground. ██████ was handcuffed and Cicero EMS was summoned to transport him to the hospital. ██████ freely stated "I fell because I am drunk."²¹

The **Event Query**, event #1621201210, states that per Captain Kusinski, ██████ acknowledged that he fell and hit his head.²²

VI. ANALYSIS

The allegation in the present case is that Officers Pellerano and Loza threw ██████ to the ground and dragged him 2-3 feet without justification. COPA finds that Officers Pellerano and Loza did not throw ██████ to the ground nor did they drag him. Therefore, COPA finds the allegation against both officers unfounded. In a statement to IPRA, ██████ alleged that an officer chased him and then threw him to the ground and dragged him by his dreadlocks. He also stated that he had drank two beers while at his friend's house. He further stated that he was transported to the hospital by a police SUV and not the paramedics.

Both Officers Pellerano and Loza deny throwing ██████ to the ground and dragging him. COPA finds these officers statements credible. Although the beginning of the encounter with ██████ was not captured on camera, the ending of the incident was captured on video. ██████ can be overheard on Officer Pellerano's body-worn camera footage stating that he fell because he was drunk. The officers also report in the case incident report and the arrest report that ██████ admitted to falling because he was drunk. The video also shows that ██████ was transported to the hospital by paramedics and he admitted to the paramedics that he had been drinking. The event query also states that ██████ acknowledged that he fell and hit his head to the captain. ██████ can also be heard on multiple officer's body-worn cameras stating that he was drunk. Given the fact that ██████ admitted that he fell and admitted to being drunk, the allegation is not supported by facts and therefore COPA recommends a finding of unfounded for both officers.

VII. CONCLUSION

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

²¹ Atts. 4, 6.

²² Att. 8.

Officer	Allegation	Finding
Officer Richard Pellerano	1. It is alleged on July 30, 2016, at approximately 1:35 A.M., in the vicinity of 6011 W. Roosevelt Rd., Officer Pellerano, star 19165, threw [REDACTED] to the ground and dragged him 2-3 feet without justification.	Unfounded
Officer Danilo Loza	1. It is alleged on July 30, 2016, at approximately 1:35 A.M., in the vicinity of 6011 W. Roosevelt Rd., Officer Loza, star 16201, threw [REDACTED] to the ground and dragged him 2-3 feet without justification.	Unfounded

Approved:

[REDACTED]

Jay Westensee
Deputy Chief Administrator – Chief Investigator

8/29/18

Date