

SUMMARY REPORT OF INVESTIGATION¹

I. EXECUTIVE SUMMARY

Date of Incident:	October 14, 2015
Time of Incident:	4:30 AM
Location of Incident:	██████████ Chicago, IL 60651
Date of COPA Notification:	October 14, 2015
Time of COPA Notification:	6:10 AM

On October 14, 2015, at approximately 4:30 a.m., near the vicinity of ██████████ ██████████ Officers Mark Ritchey #14979 (“Ritchey”) and William Whalen #6620 (“Whalen”) responded to a call of robbery. Upon arrival they met with victim and complainant ██████████ (“██████████”) alleges that Officers Ritchey and Whalen grabbed him by the neck and choked him. Additionally, upon further investigation by the Independent Police Review Authority (IPRA), allegations were brought against assisting officer, Officer Brian Lacey #18494 (“Lacey”) for using profanity against ██████████ The Civilian Office of Police Accountability (COPA) conducted a thorough investigation of the allegations and makes the following recommendations.

II. INVOLVED PARTIES

Involved Officer #1:	Mark R. Ritchey, Star #14979, Employee ID# ██████████, DOA: 12/14/12, Rank: Police Officer, Unit of Assignment: 25 th District, DOB: ██████████84, Male, White.
Involved Officer #2:	William A. Whalen, Star #6620, Employee ID# ██████████, DOA: 2/19/13, Rank: Police Officer, Unit of Assignment: 25 th District, DOB: ██████████85, Male, White.
Involved Officer #3:	Brian P. Lacey, Star #18494, Employee # ██████████, DOA: 11/30/12, Rank: Police Officer, Unit of Assignment 25 th District, DOB: ██████████89, Male, White.
Involved Individual #1:	██████████ DOB: ██████████77, 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/Recommendation
Officer Mark Ritchey	1. It is alleged by ██████████ that on October 14, 2015, at ██████████ ██████████ at approximately 4:30 a.m., Officer Mark Ritchey grabbed him by the neck and choked [sic] him in violation of Rule 8 and 9.	Sustained/ 10 Day Suspension
Officer William Whalen	1. It is alleged by ██████████ that on October 14, 2015, at ██████████ ██████████ at approximately 4:30 a.m., Officer William Whalen grabbed him by the neck and choked [sic] him in violation of Rule 8 and 9.	Unfounded
Officer Brian Lacey	1. It is alleged by COPA that on October 14, 2015, at ██████████ at approximately 4:30 a.m., Officer Brian Lacey, used profanity against ██████████ ██████████ by stating, "you fucking fighting with us you piece of shit," in violation of Rule 9.	Sustained/ 2 Day Suspension

IV. APPLICABLE RULES AND LAWS

Rules

Rule 8: Disrespect to or maltreatment of any person, while on or off duty.

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

General Orders

G03-02-02: Force Options

V. INVESTIGATION²

a. Interviews

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

IPRA conducted complainant [REDACTED] (“[REDACTED] audio statement on October 14, 2015.³ [REDACTED] stated he was robbed earlier in the day. [REDACTED] stated that he went to his aunt’s house located at [REDACTED] and she called the police. [REDACTED] stated that when the police arrived, he went outside to tell them about the robbery. [REDACTED] stated the police officer asked him for his I.D. three times. [REDACTED] stated the first two times he told the officer his I.D. was in his wallet and the third time he yelled at the officer, “man, are you a idiot?”⁴ and that was when the officer jumped and grabbed him by the throat for a couple of seconds. [REDACTED] stated at this time there were only two officers. [REDACTED] stated that while the officer was grabbing him by the throat, the second officer grabbed him by the arm. [REDACTED] stated another police vehicle came to the scene with two more officers. [REDACTED] stated one of the officers came towards him and choked him for about 30 seconds. [REDACTED] stated the police officers did not release him until his aunt came out of the house. [REDACTED] stated the officer asked him if he still wanted to file a report and that was when he stated, “hell naw, fuck ya’ll, go on ahead about your business.”⁵ [REDACTED] stated he was not handcuffed and the officers did not write a report. [REDACTED] stated he was not aggressive in any manner towards the officers. [REDACTED] stated he believed the officer was triggered by him calling the officer an idiot. [REDACTED] stated his niece, [REDACTED] captured the incident on camera with the exception of the choking. [REDACTED] stated the officer is heard on the video stating he choked [REDACTED] stated that when the officers left, he called 911 for a supervisor. [REDACTED] stated a Sergeant arrived to take his complaint and other officers arrived to take the robbery report. [REDACTED] stated he did not go to the hospital because it was very early in the morning and it was just a choke.

IPRA conducted witness [REDACTED] audio statement on November 4, 2015.⁶ [REDACTED] stated that she is [REDACTED] niece and that on October 14, 2015, he came to her house and told her and her family that he had been robbed. [REDACTED] stated that her grandmother, [REDACTED] told him to call the police and make a police report. [REDACTED] stated that after calling 911, [REDACTED] told [REDACTED] to let her know when the police arrived so that she could help him make the police report. [REDACTED] stated that she witnessed the police hovering around [REDACTED] who was on the ground. [REDACTED] stated the police scattered when they saw the porch light illuminate. [REDACTED] stated that once she was outside, [REDACTED] said the police choked him. [REDACTED] stated that the police told the family they were just talking to [REDACTED] and asked for his I.D. [REDACTED] stated the police did state that they choked [REDACTED] stated that [REDACTED] was mad prior to meeting with the officers because he had been robbed. [REDACTED] stated that [REDACTED] was furious and was calling the officers names after being choked. [REDACTED] stated that [REDACTED] told the police to leave and they left. [REDACTED] stated that she did not know whether [REDACTED] had been drinking. [REDACTED] stated that she never saw any officer choke [REDACTED]

³ Attachment 15

⁴ Attachment 15 at 2:50

⁵ Attachment 15 at 3:30

⁶ Attachment 36

IPRA conducted witness [REDACTED] audio statement on November 27, 2015.⁷ [REDACTED] stated that on October 14, 2015, at approximately 4:00 a.m., [REDACTED] came to her house and told her he had been robbed by a male and a female. [REDACTED] stated she called 911 and told [REDACTED] to let her know when the police arrived. [REDACTED] stated that she went inside of her house to change her clothes. [REDACTED] stated that when she was putting on her clothes she heard arguing and fighting outside. [REDACTED] stated she ran outside and saw two police trucks. [REDACTED] stated she saw one police officer in each truck and another two officers walking toward the trucks. [REDACTED] stated that [REDACTED] told her the officers arrived and choked him. [REDACTED] stated that she repeated to [REDACTED] that he should have called her when the officers arrived. [REDACTED] stated [REDACTED] told her that he could not call her because the police had him by the throat. [REDACTED] stated the police at that moment told her that when they initially approached [REDACTED] he was belligerent. [REDACTED] stated that she called [REDACTED] to record the incident on her cell phone and she called [REDACTED] to attempt to calm [REDACTED]. [REDACTED] stated that the video captures her yelling at [REDACTED] to calm down and let her handle the situation. [REDACTED] stated that [REDACTED] continued to yell that the officers choked him. [REDACTED] stated that the police told her that [REDACTED] became upset after they asked for his I.D. [REDACTED] stated that the police told her they understood [REDACTED] did not have his I.D., but they had to ask. [REDACTED] stated that one of the officers is captured on video stating he choked [REDACTED] because he called him an idiot. [REDACTED] stated that [REDACTED] told the officers he did not want their help and they left. [REDACTED] stated that after they left, she called 911 again. [REDACTED] stated a sergeant arrived and took [REDACTED] complaint. [REDACTED] stated that after the sergeant left, other officers arrived to take the robbery report. [REDACTED] stated that she saw [REDACTED] neck and observed that it was red and inflamed. [REDACTED] stated that [REDACTED] did not want to go to the hospital. [REDACTED] stated that she never saw the officers choke [REDACTED]. [REDACTED] stated that during the incident [REDACTED] was intoxicated.

IPRA conducted witness [REDACTED] (" [REDACTED] audio statement on November 22, 2016.⁸ [REDACTED] stated that on October 14, 2015, at approximately 3:30 a.m., [REDACTED] came to his house and told him he was robbed. [REDACTED] stated he told [REDACTED] to call the police. [REDACTED] stated [REDACTED] called the police and waited for them on his porch while drinking Vodka. [REDACTED] stated he left [REDACTED] on the porch waiting for the police while he went back to bed. [REDACTED] stated that he got out of bed when he heard [REDACTED] yelling. [REDACTED] stated that when he went outside he saw the police choking [REDACTED]. [REDACTED] stated the police had [REDACTED] by his hands and neck. [REDACTED] stated he saw one officer twisting [REDACTED] arm while another officer had his left hand around [REDACTED] neck and his right hand on [REDACTED] chest. [REDACTED] stated the officers pushed [REDACTED] against a fence. [REDACTED] stated he heard the police tell [REDACTED] he was under arrest while calling him out of his name. [REDACTED] stated he told the police to let go of [REDACTED]. [REDACTED] stated that after the police noticed that [REDACTED] was videotaping, they released [REDACTED]. [REDACTED] stated [REDACTED] was upset and he told him to calm down. [REDACTED] stated he observed swelling and scratching on [REDACTED] neck and told him to go to the hospital, but [REDACTED] did not.

⁷ Attachment 43

⁸ Attachment 73

IPRA conducted accused **Officer Mark Ritchey's #14979** ("Officer Ritchey") audio statement on November 29, 2016.⁹ Officer Ritchey stated that he previously submitted a To-From Report in response to the incident on October 14, 2015 and stated that he stood by it.¹⁰ Officer Ritchey stated that on October 14, 2015, he was working with his partner William Whalen #66620 ("Officer Whalen") and that at no point did he or any other officers choke [REDACTED]. Officer Ritchey stated that when he arrived at [REDACTED] he observed [REDACTED] outside of the house. Officer Ritchey stated that he and Officer Whalen approached [REDACTED] together. Officer Ritchey stated he asked [REDACTED] whether he called the police and asked him where he was robbed. Officer Ritchey stated [REDACTED] relayed he was robbed on the 1100 block North of Menard Ave. and that he recognized the car and the people who robbed him. Officer Ritchey stated [REDACTED] relayed his wallet and cellphone had been stolen.

Officer Ritchey stated [REDACTED] was highly irate and agitated when he told [REDACTED] he was unable to track his stolen cell phone through his Bluetooth ear piece. Officer Ritchey stated he asked [REDACTED] to walk towards his police vehicle to obtain his information and while on their way to the vehicle, he asked [REDACTED] for his I.D. Officer Ritchey stated that was when [REDACTED] told him, "my I.D. was in my fucking wallet, you fucking idiot, I just told you that."¹¹ Officer Ritchey stated he told [REDACTED] he did not know his I.D. was in his wallet and [REDACTED] continued to yell at him telling him he was useless. Officer Ritchey stated he only asked [REDACTED] for his I.D. once. Officer Ritchey stated [REDACTED] continued to be highly agitated and irate on the sidewalk. Officer Ritchey stated he and Officer Whalen approached [REDACTED] in an attempt to calm him down and take the robbery report.

Officer Ritchey stated [REDACTED] clenched his fists and it appeared as if he was going to batter the officers. Officer Ritchey stated he and his partner extended their arms to keep [REDACTED] at a distance. Officer Ritchey stated he recalled placing his left hand on [REDACTED] arm and his right hand was placed open palm on [REDACTED] chest. Officer Ritchey stated he did not recall if Officer Whalen had physical contact with [REDACTED] but he believed his partner would have grabbed [REDACTED] left arm. Officer Ritchey stated that he and Officer Whalen grabbed [REDACTED] arms so that he would not move them. Officer Ritchey stated [REDACTED] continued to scream at the officers not to touch him. Officer Ritchey stated Officers Brian Lacey #18494 ("Officer Lacey") and Officer Peter Lesny #9427 ("Officer Lesny") assisted on the scene. Officer Ritchey stated Officers Lacey and Lesny arrived on scene when he and Officer Whalen were restraining [REDACTED]. Officer Ritchey stated Officer Lacey came to his side and assisted in holding [REDACTED] arm because he continued to move his arms. Officer Ritchey stated he did not recall Officer Lesny having any contact with [REDACTED].

Officer Ritchey stated that while restraining [REDACTED] his family members came outside. Officer Ritchey recalled a woman telling [REDACTED] that she told him to wait for her because he didn't like the police. Officer Ritchey stated the family observed the officers restraining [REDACTED] and he asked them to tell [REDACTED] to calm down so that he could take the report. After being shown the photographs of [REDACTED] neck, Officer Ritchey stated the marks around [REDACTED] neck appeared to be scratches. Officer Ritchey stated neither he nor his

⁹ Attachment 79

¹⁰ Attachment 58

¹¹ Attachment 79 at 13:55

partner choked [REDACTED]. Officer Ritchey stated he did not know how [REDACTED] sustained his injuries. Officer Ritchey stated [REDACTED] was wearing a sweater on October 14, 2015, and he did not see if [REDACTED] already had the injuries. After being shown the cell phone video, Officer Ritchey stated the video captures the aftermath of the encounter. Officer Ritchey stated he heard an officer on the video state that they choked him. Officer Ritchey stated he did not make the statement. Officer Ritchey stated that the statement sounded sarcastic and it would not be fair to say that officer was admitting to choking [REDACTED]. Officer Ritchey stated none of the officers choked [REDACTED]. Officer Ritchey stated they did not arrest [REDACTED] for aggravated assault because they felt bad for him due to the robbery and possible diminished mental capacity. Officer Ritchey stated he could tell [REDACTED] was intoxicated. Officer Ritchey stated that after leaving the scene, he coded the call and submitted a contact card.

IPRA conducted accused¹² **Officer William Whalen's #6620** ("Officer Whalen") audio statement on November 29, 2016.¹² Officer Whalen stated that he previously submitted a To-From Report regarding the incident that occurred on October 14, 2015 and stood by his report. Officer Whalen stated that on October 14, 2015, he was working with his partner Officer Ritchey and at no point did any officer choke [REDACTED]. Officer Whalen stated that upon arriving at [REDACTED] he and Officer Ritchey approached [REDACTED] who was standing on the sidewalk in front of his house. Officer Whalen stated he did not observe any injuries around [REDACTED] neck at that time. Officer Whalen stated [REDACTED] was asked questions about the robbery. Officer Whalen stated [REDACTED] requested the officers track his phone using Bluetooth and became agitated when they told [REDACTED] they could not track the phone. Officer Whalen stated Officer Ritchey asked [REDACTED] for his I.D. and [REDACTED] stated, "my I.D. is in my fucking wallet, you fucking idiots, I just told you."¹³ Officer Whalen stated [REDACTED] was agitated making aggressive movements and clenching his fists while walking towards the officers.

Officer Whalen stated the he and his partner extended their arms to create distance because [REDACTED] movements were perceived as threats. Officer Whalen stated he grabbed [REDACTED] by the arm while Officer Ritchey grabbed [REDACTED] by the other arm and placed his forearm on [REDACTED] chest to hold him back. Officer Whalen stated Officers Lacey and Lesny arrived on scene when he and Officer Ritchey were restraining [REDACTED]. Officer Whalen stated he did not recall if Officers Lacey and Lesny had physical contact with [REDACTED]. Officer Whalen stated he recalled seeing [REDACTED] family on the porch. Officer Whalen stated a woman told [REDACTED] she had told him to wait for her because he has a problem with the police. Officer Whalen stated he did not see anyone recording the incident on a cellphone. After being shown the cellphone video, Officer Whalen stated that at that time, he was standing by his squad car. Officer Whalen stated he heard Officer Lacey state sarcastically that they choked [REDACTED]. Officer Whalen stated it is not fair to say Officer Lacey admitted to an officer choking [REDACTED]. Officer Whalen stated he believed it was Officer Lacey who made a statement on the video calling [REDACTED] a piece of shit. After being shown the photographs of [REDACTED] injuries, Officer Whalen stated he does not know how [REDACTED] sustained the injuries. Officer Whalen stated he did not choke Chambers and he did not observe any other officer choke him.

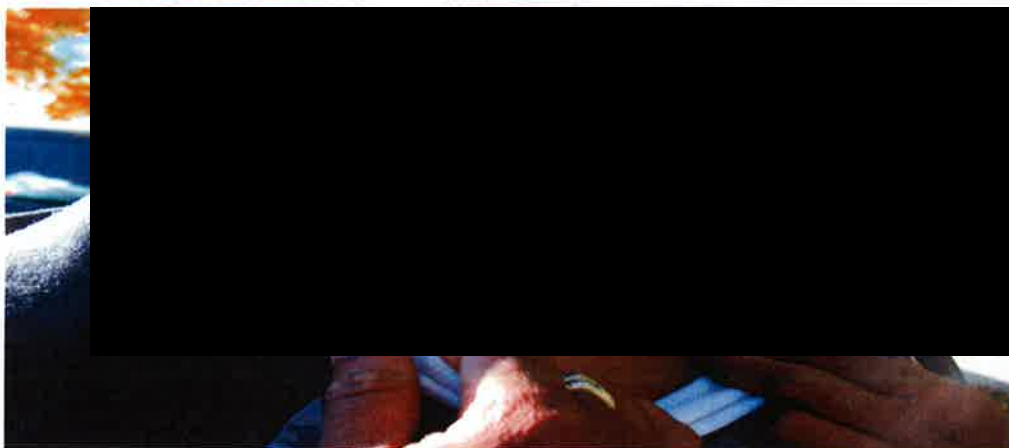
¹² Attachment 78

¹³ Attachment 78 at 12:08

IPRA conducted accused **Officer Brian Lacey's #18494** ("Lacey") audio statement on December 14, 2016.¹⁴ Officer Lacey stated that he previously submitted a To-From Report regarding the incident that occurred on October 14, 2015 and stood by the report. Officer Lacey stated that on October 14, 2015, he was working with his partner Officer Lesny. Officer Lacey stated that when he arrived at [REDACTED] he observed [REDACTED] being very belligerent. Officer Lacey stated he observed Officers Ritchey and Whalen on the sidewalk holding [REDACTED] arms while [REDACTED] was being verbally aggressive towards the officers. Officer Lacey stated he observed [REDACTED] was intoxicated. Officer Lacey stated he knew [REDACTED] was intoxicated because he had slurred speech and he smelled an alcoholic beverage on his breath. Officer Lacey stated he originally thought [REDACTED] was the offender of the robbery. Officer Lacey stated he went to assist Officers Ritchey and Whalen in restraining [REDACTED] by holding him by the arm. Officer Lacey stated that he released [REDACTED] when Officer Ritchey told him [REDACTED] was the victim of the robbery. Officer Lacey stated [REDACTED] was being verbally aggressive towards him. Officer Lacey stated he observed [REDACTED] family on the front porch. Officer Lacey stated the first time he saw them was when Officers Ritchey and Whalen released [REDACTED] arm. After being shown photographs of [REDACTED] injuries, Officer Lacey stated he observed redness on [REDACTED] neck. After being shown the cell phone video, Officer Lacey stated he heard himself on the video state, "you're fucking fighting with us, you piece of shit."¹⁵ Officer Lacey stated he made the statement because [REDACTED] was not listening to verbal commands. Officer Lacey stated he also heard himself on the video sarcastically saying to [REDACTED] that the officers choked him. Officer Lacey stated he made the statement sarcastically because none of the officers choked him and he could not believe [REDACTED] was accusing the officers of choking him. Officer Lacey stated he thought it was funny.

b. Digital Evidence

Responding Sergeant Richard Losik #991 ordered an evidence technician to take **Photographs** of [REDACTED] neck on October 14, 2015 at approximately 6:20 a.m. The photographs depict redness and bruising on [REDACTED] neck.¹⁶



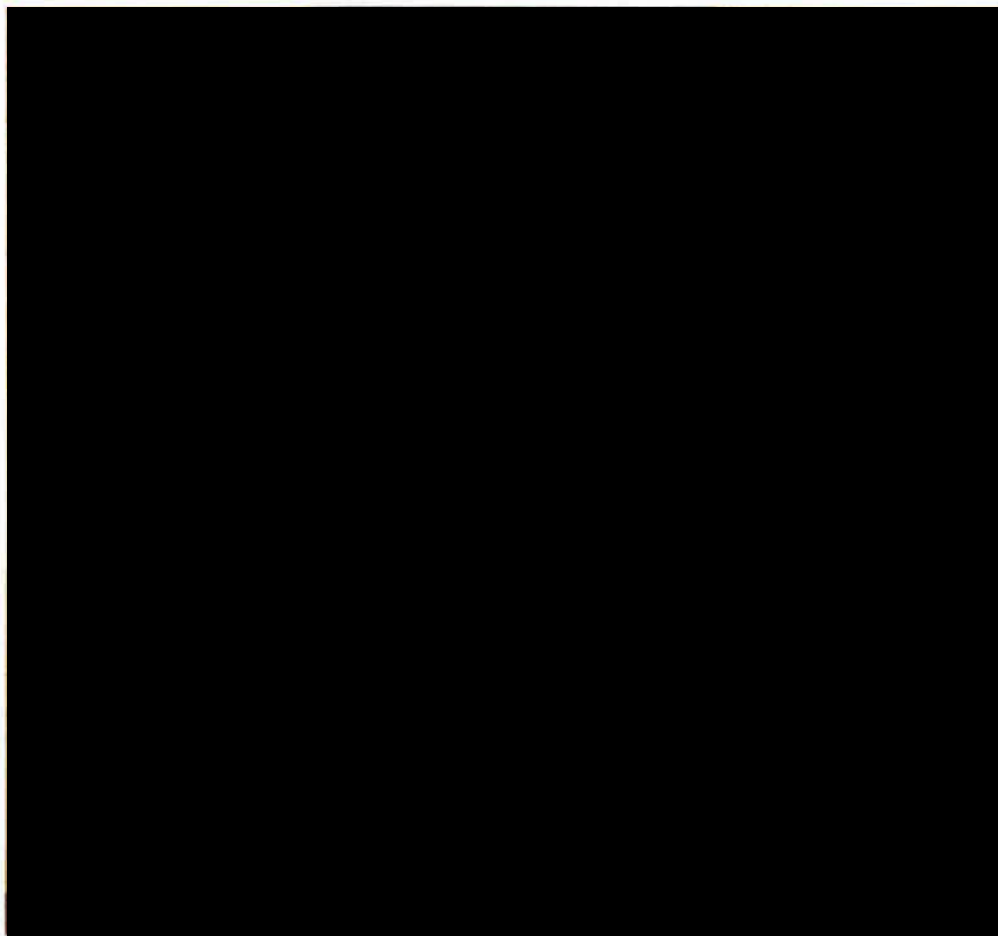
¹⁴ Attachment 87,88

¹⁵ Attachment 88 at 12:43

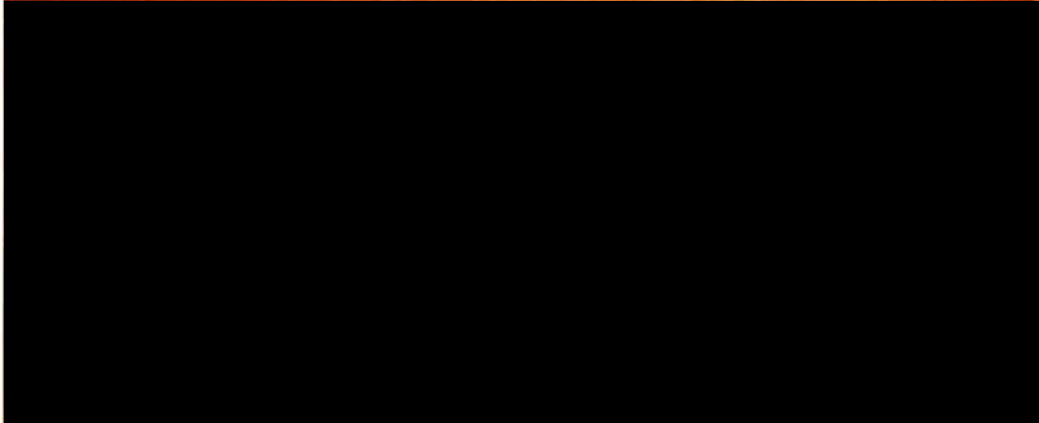
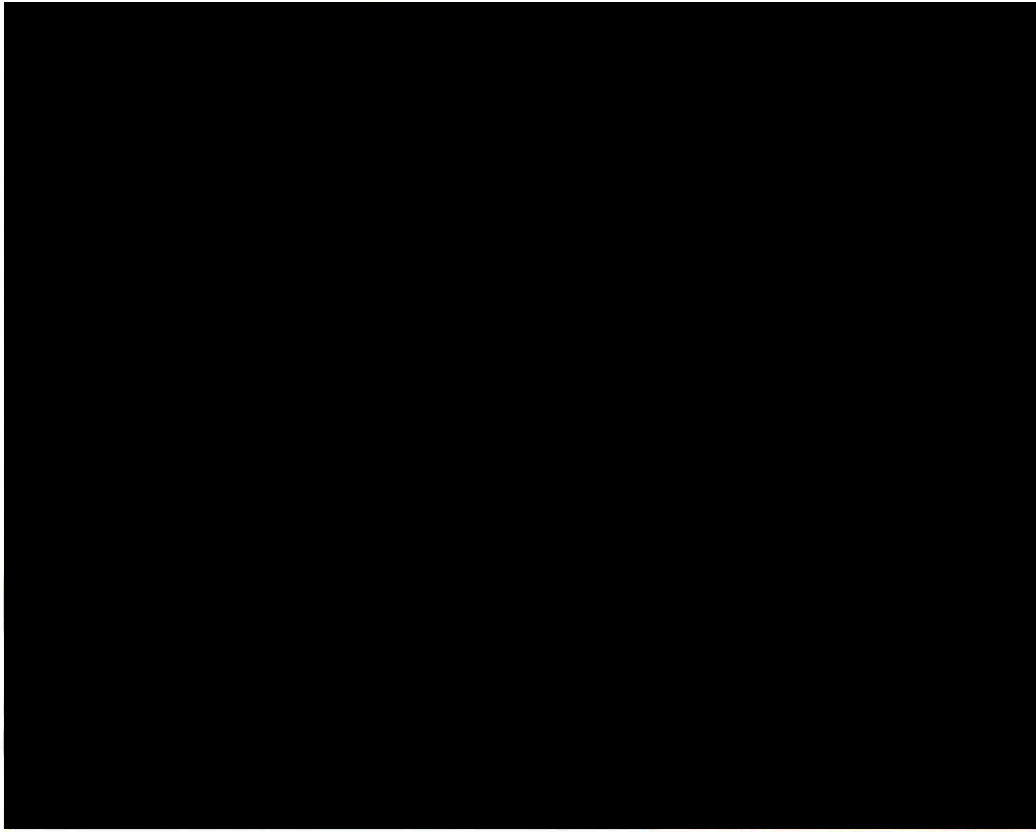
¹⁶ Attachment 38



Photographs taken by the IPRA on October 14, 2015, at approximately 6:14 p.m. depict redness and bruising on [REDACTED] neck and a scratch above his left underarm.¹⁷



¹⁷ Attachment 18



Cell Phone Video footage taken on October 14, 2015, at approximately 4:30 a.m. captures [REDACTED] and [REDACTED] standing on the sidewalk while officers and squad cars are on the street.¹⁸ [REDACTED] is seen yelling that the police exited their vehicle and jumped in. An officer is heard yelling, "yeah, because you were fucking fighting with them, you piece of shit!"¹⁹ [REDACTED] and [REDACTED] are heard yelling trying to calm [REDACTED] down. [REDACTED] continues to yell at the officers that they had a chokehold on him. An officer is then heard saying, "yeah, we choked you, yeah, we choked you, that's what we did."²⁰ [REDACTED] is heard yelling that they did choke him, and he has marks. [REDACTED] is heard yelling at the police that he called them, and they showed up to harass him. An officer is heard telling [REDACTED] that he asked him for a second form of I.D. and [REDACTED] became irate. [REDACTED] and [REDACTED] are heard telling [REDACTED] to be quiet and to go inside of the house. [REDACTED] and [REDACTED] state aloud that they told [REDACTED] to call them when the police arrived instead of talking to them himself. [REDACTED] then repeats that the officers had their hands around his throat. [REDACTED] is heard telling the police that [REDACTED] was robbed.²¹ An officer is heard responding that he understands but [REDACTED] started to, "motherfuck" them. [REDACTED] is heard telling [REDACTED] that he has been drinking and all he had to do was call her when the officers arrived. [REDACTED] is heard telling the officer he doesn't want shit from them and then the officers leave.

Office of Emergency Management and Communications (OEMC) 911 Call Event 01773-a, captures [REDACTED] calling to report that her brother was robbed.²² [REDACTED] states that her brother is present with her. Dispatch requests to talk to her brother since he is the victim. [REDACTED] is heard saying that he needs the police because a male and a female robbed him at gunpoint about ten minutes prior near the 1100 block of Menard Ave.

OEMC Chicago Police Department (CPD) Radio Transmission Event 01773-b-043003²³, captures an officer in Beat 2522R state he will respond to the robbery call because he is near the area.

OEMC 911 Call Event 01917, captures [REDACTED] calling 911 at 5:01 a.m.²⁴ [REDACTED] states that she called the police earlier because her brother was robbed but the police jumped on her brother, grabbing him by the neck and choking him. [REDACTED] continues to tell dispatch that the officers came to his house and choked him. [REDACTED] states he has marks. [REDACTED] states he wants to file a police report and gives the operator his personal information.

OEMC CPD Radio Transmission Event 12-044136, captures beat 2522R stating the complainant is highly intoxicated and became verbally aggressive when the officers asked him for his I.D.²⁵ The officer states the call can be closed as 19 Paul²⁶ for the time being since the complainant stated he did not want their help.

¹⁸ Attachment 47

¹⁹ Attachment 47 at 00:05

²⁰ Attachment 47 at 00:12

²¹ Attachment 48

²² Attachment 30

²³ Attachment 62 at 15:00

²⁴ Attachment 63

²⁵ Attachment 64

²⁶ Other Misc. Incident Other Police Service

OEMC CPD Radio Transmission Event 12-a-050438, captures dispatch requesting a supervisor to [REDACTED]²⁷ Supervisor beat 520R states he will head in that direction.

OEMC CPD Radio Transmissions Event 12-b-060258, captures Officer Maher #9724 ("Maher") indicating that he is responding to 1145 N. Menard Ave.²⁸ Beat 2511 calls over the radio that he has had prior dealings with [REDACTED] and that he is not police friendly. Beat 2511 advises Officer Maher to be careful.

OEMC Event Query Report 1528701773, indicates that on October 14, 2015 at 4:28 a.m., [REDACTED] called 911 to report a robbery.²⁹ Officers Lacey and Whalen responded to the call at approximately 4:30 a.m. Both Officers cleared the scene at 4:41 a.m. and closed the event number as other police service. At approximately 6:17 a.m., the event number was reopened, and Officer Maher was dispatched to the scene at 6:26 a.m. and ran [REDACTED] name. Officer Maher left the scene at 7:16 a.m.

c. Documentary Evidence

The **Initiation Report** submitted by responding Sergeant Losik on October 14, 2015 indicates that he responded to a call for supervisor at [REDACTED] at 5:25 a.m.³⁰ Sergeant Losik indicated he met with [REDACTED] who alleged he called 911 to report a robbery. Sergeant Losik indicated [REDACTED] further alleged the accused officers in vehicle #9246 arrived, repeatedly asked him for identification, and became belligerent. Sergeant Losik indicated [REDACTED] alleged the accused officers ran towards him and choked him leaving marks on his neck. Sergeant Losik indicated he ordered an evidence technician to take photographs of [REDACTED] neck.

Original Case Incident Report RD#HY461190, indicates Reporting Officer Maher, responded to a call of robbery at [REDACTED]³¹ Upon arriving Officer Maher made contact with [REDACTED] who stated he was robbed at gunpoint by an unknown male and female. [REDACTED] stated his wallet, identification, and cell phone were taken. Officer Maher reported that [REDACTED] refused medical attention and claimed he was injured.

Contact Card ACC002535273, indicates Officers Whalen and Ritchey were dispatched to a robbery report at [REDACTED] and upon arrival they spoke to [REDACTED] who indicated he was robbed at gun point.³² While Officers Whalen and Ritchey were attempting to gather information about the robbery, [REDACTED] became verbally aggressive towards Officers Whalen and Ritchey, when they asked him for his identification. [REDACTED] reportedly began screaming, "my i.d. is in my fucking wallet, you fucking idiot. I just told you." Officer Whalen and Ritchey told [REDACTED] to calm down, but he continued to scream and aggressively walked

²⁷ Attachment 65

²⁸ Attachment 66

²⁹ Attachment 6

³⁰ Attachment 4

³¹ Attachment 5

³² Attachment 16

towards the officers. Officers Ritchey and Whalen reportedly extended their arms to keep [REDACTED] at a safe distance to prevent from being battered. [REDACTED] continued to scream and be irate. [REDACTED] stated, "this is why I don't fuck with you, I don't want anything from you," and both officers left the scene.

To-From-Subject Report, written on December 12, 2015, by Officer Whalen indicates that on October 14, 2015, he was working with Officer Ritchey in beat 2522R.³³ Officer Whalen indicates that upon arrival they met with [REDACTED] who stated he was robbed at gun point on the 1100 block of North Menard Ave. and had several items taken from him including his wallet and cell phone. Officer Whalen indicates that while attempting to gather information from [REDACTED] Officer Ritchey [REDACTED] for his I.D. and [REDACTED] became verbally aggressive towards Officer Ritchey and screamed, "my I.D. is in my fucking wallet you fucking idiot. I just told you." Officer Whalen indicates they told [REDACTED] to calm down, but he continued to yell at the officers and started to walk towards the officer with his fists clenched. Officer Whalen indicates that in an attempt to keep [REDACTED] at a safe distance and prevent a battery, they extended their arms with open palms to keep [REDACTED] from continuing to advance towards them. Officer Whalen indicates they made contact with [REDACTED] chest. Officer Whalen indicated [REDACTED] continued to be irate and said, "this is why I don't fuck with you." Officer Whalen indicates [REDACTED] family came outside and stated to [REDACTED] "you know you have a problem with the police." Officer Whalen indicates [REDACTED] denied any more police service from the reporting officers. Officer Whalen stated he immediately submitted a contact card regarding the encounter. Officer Whalen indicates that at no point did he or Officer Ritchey grab [REDACTED] by the neck and choke him.

To-From-Subject Report, written on December 12, 2015, by Officer Ritchey indicates that on October 14, 2015, he responded to a robbery call with his partner Officer Whalen.³⁴ Officer Ritchey indicates that upon arrival they were met with [REDACTED] who indicated he had been robbed. Officer Ritchey notes that [REDACTED] was highly agitated possibly due to the robbery. Officer Ritchey indicates [REDACTED] asked if they would track his phone through Bluetooth and when Officer Ritchey indicated he could not, [REDACTED] stated, "what good are you guys." Officer Ritchey indicates he asked [REDACTED] for his I.D. to which he replied, "my I.D. is in my fucking wallet, you fucking idiot. I just told you." Officer Ritchey indicates they told [REDACTED] to calm down to which he responded, "I won't fucking calm down," as he was walking aggressively towards the officers with his fists clenched. Officer Ritchey indicates they extended their arms with open palms to prevent a battery due to [REDACTED] irate and agitated state. Officer Ritchey indicates they tried to deescalate the situation by attempting to control [REDACTED] erratic actions. Officer Ritchey indicates [REDACTED] family exited the home and told him he should have waited for them because he has problems with the police. Officer Ritchey indicates they did not arrest [REDACTED] out of consideration for his unfortunate circumstance but that they immediately documented their contact with [REDACTED] in a contact card.

To-From-Subject Report, written on December 13, 2015, by Officer Lacey indicates that on October 14, 2015, he responded to a robbery call with his partner Officer Peter Lesny

³³ Attachment 54

³⁴ Attachment 58

#9427 (“Lesny”).³⁵ Officer Lacey indicates that upon arrival he observed Officer Ritchey and Whalen holding back [REDACTED]. Officer Lacey indicates that he observed [REDACTED] extremely intoxicated and being verbally aggressive towards Officers Ritchey and Whalen despite being given several verbal commands to calm down. Officer Lacey indicates he at no time observed Officers Ritchey or Whalen grab [REDACTED] by the neck and choke him.

To-From-Subject Report, written on December 13, 2015, by Officer Lesny indicates that he responded to a robbery call with his partner Officer Lacey.³⁶ Officer Lesny indicates that upon arrival he observed Officer Ritchey and Whalen holding back [REDACTED] who was intoxicated and being aggressive towards the officers. Officer Lesny indicates the officers had already made space with [REDACTED]. Officer Lesny indicates [REDACTED] denied further police service. Officer Lesny indicates he at no time observed Officers Ritchey or Whalen grab [REDACTED] by the neck and choke him.

VI. ANALYSIS

The burden of proof COPA uses in its analysis is the preponderance of the evidence standard. It is alleged by [REDACTED] that Officers Ritchey and Whalen grabbed him by the neck and choked him. Additionally, it is alleged that Officer Lacey used profanity against [REDACTED]. After analyzing the evidence, COPA determined the allegation against Officer Whalen was not based on the facts revealed through the investigation, however, COPA determined the allegations against Officer Ritchey and Lacey are supported by sufficient evidence to justify disciplinary action.

a. Officer Ritchey

On October 14, 2015, Officers Ritchey and Whalen responded to [REDACTED] to file a robbery report for [REDACTED]. Evidence shows that Officers Ritchey and Whalen had physical contact with [REDACTED]. Based on the photographic evidence, eye-witness account of [REDACTED] and officer statements, it is more likely than not that Officer Ritchey did make contact with [REDACTED] neck in a “choke like” manner. While Officer Ritchey recalls placing his right hand with an open palm on [REDACTED] chest, the scratches and bruises on [REDACTED] neck and chest area indicate Officer Ritchey likely placed his right hand on the left side of [REDACTED] neck and forearm down [REDACTED] chest towards [REDACTED] left underarm.

Various accounts indicate that when [REDACTED] interacted with the police he was intoxicated and irate, likely acting as an active resister.³⁷ While it is probable that Officers Ritchey and Whalen did have to restrain [REDACTED] the bruises on [REDACTED] indicate that Officer Ritchey applied an inappropriate level of force to [REDACTED] neck. The appropriate techniques to gain control of an active resister do not include the application of direct contact with the a persons’ trachea or airway with the intention of reducing the intake of air.³⁸ Such a technique is only allowed towards a person acting as an assailant, which [REDACTED] was not.³⁹ It is unlikely that when Officer Ritchey made contact with [REDACTED] neck he was employing a

³⁵ Attachment 59

³⁶ Attachment 60

³⁷ G03-02-02: Force Options (B)(2) effective date March 11, 2015, rescinded January 1, 2016.

³⁸ G03-02-02: Force Options (C)(3) effective date March 11, 2015, rescinded January 1, 2016.

³⁹ G03-02-02: Force Options (C) effective date March 11, 2015, rescinded January 1, 2016.

holding or control technique as the bruises on [REDACTED] neck would not depict visible imprints of fingers. For the aforementioned reasons, COPA recommends the allegation against Officer Ritchey be Sustained.

b. Officer Whalen

During [REDACTED] interview, he recalled that of the two initial officers who responded, only one held him by the neck and the other by the arm. [REDACTED] further indicated that there was an officer from the second responding unit that also held him by the neck. After analyzing the statements, COPA determined that it is likely that Officer Whalen only held [REDACTED] by the arm in an attempt to restrain Chambers. Further, there is no evidence to suggest Officers Lacey or Lesny made contact with [REDACTED] neck. The eye witness account of [REDACTED] establishes that only Officer Ritchey made contact with [REDACTED] neck while Officer Whalen was employing a control technique to [REDACTED] arm. It is likely that [REDACTED] recollection of how many officers held him by the neck is faulty due to intoxication and his recent involvement in high stress situations. As a result, COPA recommends the allegation against Officer Whalen be Unfounded.

c. Officer Lacey

Witness [REDACTED] used her cell phone to record the encounter between [REDACTED] and the responding officers, capturing Officer Lacey stating, "you fucking fighting with us you piece of shit." In his statement, Officer Lacey admitted he recognized his voice on the recording and admitted he made the statement. Officer Lacey explained he made the statement because [REDACTED] was not listening to verbal commands. While it is understandable that like [REDACTED] Officer Lacey became frustrated, his statement was neither appropriate nor reflective of the Chicago Police Department's mission. As a result, COPA recommends the allegation against Officer Lacey be Sustained.

VII. RECOMMENDED DISCIPLINE FOR SUSTAINED ALLEGATIONS

a. Officer Mark Ritchey

i. Complimentary and Disciplinary History

Officer Ritchey's complimentary history reflects he has been awarded the Emblem of Recognition for physical fitness four times, honorable mention 35 times and has received the lifesaving award once. Officer Ritchey does not have any prior disciplinary history.

ii. Recommended Penalty, by allegation

1. Allegation No. 1, 10 Day Suspension

b. Officer Brian Lacey

i. Complimentary and Disciplinary History

Officer Lacey's complimentary history reflects he has received honorable mention 50 times and an attendance recognition award and complimentary

letter once. Officer Lacey’s disciplinary history reflects he was reprimanded twice for court appearance violations.

ii. Recommended Penalty, by allegation
1. Allegation No. 1, 2 Day Suspension

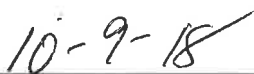
VIII. CONCLUSION

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

Officer	Allegation	Finding/Recommendation
Officer Mark Ritchey	1. It is alleged by [REDACTED] that on October 14, 2015, at [REDACTED] at approximately 4:30 a.m., Officer Mark Ritchey grabbed him by the neck and choked [<i>sic</i>] him in violation of Rule 8 and 9.	Sustained/ 10 Day Suspension
Officer William Whalen	1. It is alleged by [REDACTED] that on October 14, 2015, at [REDACTED] at approximately 4:30 a.m., Officer William Whalen grabbed him by the neck and choked [<i>sic</i>] him in violation of Rule 8 and 9.	Unfounded
Officer Brian Lacey	1. It is alleged by COPA that on October 14, 2015, at [REDACTED] at approximately 4:30 a.m., Officer Brian Lacey, used profanity against [REDACTED] by stating, "you fucking fighting with us you piece of shit," in violation of Rule 9.	Sustained/ 2 Day Suspension

Approved: 


Angela Hearts-Glass
 Deputy Chief Administrator – Chief Investigator



 Date

Appendix A

Assigned Investigative Staff

Squad#:	10
Investigator:	Sandra Trujillo
Supervising Investigator:	Erica Sangster
Deputy Chief Administrator:	Angela Hearts-Glass