

SUMMARY REPORT OF INVESTIGATION

I. EXECUTIVE SUMMARY

Date of Incident:	August 14, 2016
Time of Incident:	8:30 p.m.
Location of Incident:	7600 S. Central Park Ave.
Date of COPA Notification:	August 15, 2016
Time of COPA Notification:	10:48 a.m.

On August 14, 2016, [REDACTED] and his two sisters were driving in their neighborhood when they noticed they were being followed by a police car. After several blocks, the officer driving waved at [REDACTED] to pull over. The officers asked [REDACTED] why he was driving around the neighborhood in circles. The conversation between [REDACTED] and the officers became confrontational and one of the officers ordered [REDACTED] out of his car. [REDACTED] got out of the vehicle and was placed in handcuffs. [REDACTED] was told he was under arrest. One of the officers belittled him, saying "Are you crying little man?" One of the officers was heard saying "My badge doesn't come off asshole" to [REDACTED] who was using her cellphone to record the incident. [REDACTED] was taken to the police station and issued three citations and his vehicle was impounded.

II. INVOLVED PARTIES

Involved Officer #1: James Haworth	James Haworth, Star# 10742, Employee ID# [REDACTED], Date of Appointment: August 29, 2005, Police Officer, Unit 025, Birthdate: [REDACTED] 1969, white male
Involved Officer #2: Zachary Gammonley	Zachary Gammonley, Star# 15808, Employee ID# [REDACTED], Date of Appointment: February 23, 2015, Police Officer, Unit 006, Birthdate: [REDACTED] 1992, white male
Involved Individual #1: [REDACTED]	[REDACTED] Birthdate: [REDACTED], 1994, black male

III. ALLEGATIONS

Officer	Allegation	Finding / Recommendation
Officer James Haworth	1. Handcuffed [REDACTED] too tightly, causing injuries in violation of Rules 2, 3, 8 and 9.	Sustained / 15 Days Suspension
	2. Inappropriately stated "Are you crying, little man?" to [REDACTED] in violation of Rules 2, 3, 8 and 9.	Sustained / 15 Days Suspension
	3. Verbally abused [REDACTED] in violation of Rules 2, 3, 8 and 9.	Sustained / 15 Days Suspension
	4. Inappropriately stated "My badge doesn't come off asshole," in violation of Rules 2, 3, 8 and 9.	Sustained / 15 Days Suspension
	5. Choked [REDACTED] in violation of Rules 2, 3, 8 and 9.	Sustained / 15 Days Suspension
	6. Purposely and unnecessarily slammed on the brakes while transporting [REDACTED] causing him to hit his face against the partition in the police vehicle, in violation of Rules 2, 3, 8 and 9.	Not Sustained
	7. Slammed [REDACTED] head into the roof of the CPD vehicle in violation of Rules 2, 3, 8 and 9.	Not Sustained
	8. Brought discredit upon the Department with conduct unbecoming a police officer during a traffic stop in violation of Rules 2, 3, 8 and 9.	Sustained / 15 Days Suspension
Officer Zazahry Gammonley	1. Observed and/or had knowledge of misconduct on the part of another department member and failed to report it, in violation of Rules 3 and 10.	Not Sustained

IV. APPLICABLE RULES AND LAWS

Rules

- **Rule 02:** Prohibits any action or conduct which impedes the Department's efforts to achieve its policy and goals or brings discredit upon the Department.
 - **Rule 03:** Prohibits any failure to promote the Department's efforts to implement its policy or accomplish its goals.
 - **Rule 08:** Prohibits disrespect to or maltreatment of any person, while on or off duty.
 - **Rule 09:** Prohibits engaging in any unjustified verbal or physical altercation with any person, while on or off duty.
 - **Rule 10:** Prohibits inattention to duty.
-

V. INVESTIGATION

IPRA, and subsequently the Civilian Office of Police Accountability (COPA) investigated this incident.¹ The following is a summary of the most relevant evidence, including interviews of involved officers, witness officers, civilian witnesses, documentary evidence, and medical evidence.

a. Interviews

The complainant, [REDACTED] was interviewed by IPRA Investigators on August 16, 2016. During his interview, [REDACTED] elaborated on the details of his August 14, 2016 interaction with Chicago Police officers. On the evening in question, [REDACTED] stated he was driving around his neighborhood with his two sisters, [REDACTED] during which time a Chicago Police vehicle began to follow his car. After several blocks of following [REDACTED] an officer in the CPD vehicle waved to [REDACTED] in order to pull him over. [REDACTED] said the officers inquired as to why he was driving around in circles, to which [REDACTED] noted that he was attempting to rid his gas tank of low-grade fuel. At this time, one of the officers asked [REDACTED] for identification, which [REDACTED] was unable to provide. [REDACTED] admitted he was driving without proper identification.

Once it was apparent that [REDACTED] was driving without identification, the officers informed [REDACTED] that they were searching for four homicide suspects, and that they would need proof of [REDACTED] identity in order to eliminate him as one of the suspects. According to [REDACTED] a dispute arose between him and one of the officers concerning the officers asking

¹ On September 15, 2017, COPA replaced IPRA as the civilian oversight agency of the Chicago Police Department. Thus, 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.

██████████ to get out of the vehicle², at which point the officer said, “that’s it, you’re going to jail... pull over - get out of the car.”³ Initially, ██████████ said he objected to this order and remained inside his vehicle. After the officers repeated their order several times, ██████████ exited the vehicle. ██████████ said at that moment, an officer started dragging and pulling him and said, “I can do whatever I want to you.” ██████████ said he was then placed in handcuffs and brought over to the CPD vehicle, at which point the officer grabbed him by the shirtfront and slammed his head into the vehicle roof on the outside of the car. ██████████ then stated that the officer placed him into the vehicle, but the immediately pulled him back out of the vehicle.

██████████ said the officer began to yell “get in the car” to him, an order with which ██████████ complied. Despite this compliance, however, ██████████ said the officer continued to yell “get in the car” and began to choke him. As ██████████ is choking, another officer approached and instructed his partner to stop choking him. ██████████ indicated that the officer grabbed him around his Adam’s apple with his left hand and was cutting off circulation to his throat with multiple fingers, but did not have a full grip around his neck. ██████████ stated that the officer’s left hand was on his Adam’s apple while his right hand was covering ██████████ and grabbing him. Although the officer stopped choking him when the second officer came over, the officer again hit ██████████ head on the roof of the CPD vehicle near the doorframe, then said “I’m a little bitch, I’m a little pussy, I can’t take a little beating.” After this, ██████████ said he got in the CPD vehicle and the officer moved over to ██████████ car. The officer informed ██████████ sisters that their brother was under arrest, and that they would need to exit the vehicle. ██████████ said that inside his vehicle, one of the officers found a quantity of marijuana. Upon making this discovery, the officer accused ██████████ youngest sister, ██████████ of smoking the marijuana. Specifically, ██████████ recalls the officer saying to ██████████ “I know it was you that smoked it, you asshole.”

██████████ said he was transported to lockup by one of the officers, while the other officer removed his vehicle from the scene. During ██████████ transport to lockup, he said he became engaged in a conversation with the transporting officer about police careers. ██████████ indicated that he had been desirous of becoming a police officer, but after unpleasant encounters with Chicago Police officers, he no longer was pursuing the career. According to ██████████ the officer suggested that it was a good thing that ██████████ was not pursuing the career, as he would be unqualified for the job. In response, ██████████ stated, “but you guys wonder why black people yell, ‘black lives matter’ and you do things like this.” ██████████ said the officer then slammed on the brakes, causing the left side of his face to hit the partition between the front and rear seats. As a result of this, ██████████ said he suffered several scratches on his nose. When asked why he slammed on the brakes, the officer responded, “black people love to yell black lives matter, but you guys are out here killing people.”

² Through our investigation it was determined this was Officer Haworth, #10742.

³ All quotations of statements are made by the COPA investigator, from either audio or video recordings.

While in the car, ██████ said he complained to the officer that his handcuffs were too tight on his wrists, causing him to lose circulation. The officer explained that he was precluded by law from remedying the situation while ██████ was still in transit, and that the issue would have to be remedied once they arrived at lockup. Once at lockup, the officer's partner loosened the handcuffs, but ██████ estimates they had been on too tight for 30-40 minutes. ██████ was emphatic that the partner was very cordial; the partner's star number was obtained from a traffic citation that ██████ received August 14, 2016. As a result of the incident, ██████ wrists were scratched and bruised.⁴

An interview of ██████ was taken by IPRA investigators on August 16, 2016. In her interview, ██████ noted that on the evening of the incident, she and ██████ were taking a ride in ██████ car. While ██████ drove around the neighborhood, ██████ said she observed a police vehicle tailing ██████ car. After the CPD vehicle followed ██████ for several blocks, ██████ said the driving officer waved ██████ to the side of the road. Once ██████ was pulled over, the CPD officers approached and explained that they were looking for suspects in a recent homicide. ██████ recalled that one of the officers asked ██████ for identification, which ██████ was unable to produce. From ██████ memory, ██████ and one of the officers began to dispute why ██████ was pulled over.

In response to ██████ lack of cooperation, the officer ordered ██████ to exit the vehicle. Once ██████ exited the vehicle, the officer became very rude to ██████ and placed ██████ in handcuffs. ██████ said the officer walked ██████ over to the squad car, at which point ██████ continued to contest the basis for his handcuffing. ██████ heard ██████ say that he was being choked by the officer. ██████ was eventually placed in the rear of the police vehicle, at which point the officer ordered ██████ and her younger sister to exit ██████ vehicle. As ██████ exited the vehicle, she was holding her cellphone in her right hand, so as to record the incident. ██████ said the officer informed her that an investigation is ongoing, and that she couldn't record the scene. ██████ related that to prevent her from recording, the officer grabbed ██████ phone and threw it on ██████ vehicle. In the process of grabbing the phone, the officer bent back ██████ pinky finger, which caused her to experience pain.⁵

An Interview of Accused Officer James Haworth, #10742 was taken at COPA on November 1, 2017. After reviewing Attachment 42, the vehicle impoundment/seizure report, and Attachment 43, which are three citations issued to ██████ Officer Haworth recalled that he had worked with Officer Gammonley in the past, but couldn't recall any specifics of this

⁴ As summarized from Attachment 18, which is the audio recorded statement of ██████

⁵ As summarized from Attachment 24, which is the audio recorded statement of ██████

incident. However, after viewing Attachment 34, which is the video taken by [REDACTED] PO Haworth's memory was refreshed and he stated that on the date in question, they were around 7600 S. Central Park looking for suspects related to a shooting in the area. He couldn't recall the exact reason why he stopped [REDACTED] but PO Haworth said his attention was drawn to [REDACTED] vehicle because they were looking for suspects driving in that area, and he pulled up next to him to try to speak to him. PO Haworth said [REDACTED] refused to give him his ID or tell him where he lived after he was informed that officers were looking for suspects in the area. PO Haworth said he got out of his vehicle because [REDACTED] was refusing to provide identification and he matched the description of the person they were looking for.

After running a namecheck, PO Haworth discovered [REDACTED] was driving on a suspended license. [REDACTED] was handcuffed and placed under arrest. PO Haworth didn't recall [REDACTED] ever complaining about being handcuffed too tightly, and didn't remember whether the handcuffs were double locked or whether he checked them to see if they were closed too tightly. He did, however, explain his practice which was to place a finger in between the handcuff and the skin of the individual in handcuffs to determine whether the handcuffs were placed on the individual too tightly.

After viewing Attachment 34 a second time, PO Haworth acknowledged that he can be heard in the video saying, "My badge doesn't come off, asshole" to [REDACTED] PO Haworth stated he said that in response to her exclamation that he was throwing something in her face, which wasn't possible because his badge was sewn onto his uniform and was incapable of coming off. PO Haworth did not explain why he used a profanity directed at her within his response. PO Haworth also acknowledged that he can be seen in the video at 1:40 standing at the rear door of the squad car [REDACTED] was sitting in, and can be heard stating, "Are you crying, little man?" to [REDACTED] PO Haworth said his comment was in response to [REDACTED] complaining that he was being roughed up, or that [REDACTED] somehow thought he was being abused, and [REDACTED] had acted tough and then he was crying.

When asked about his interactions with [REDACTED] at the police vehicle, PO Haworth said [REDACTED] was refusing to get into the backseat of the squad car, but denied ever slamming [REDACTED] head into the roof of the squad car. At 1:45 seconds in the video, Attachment 34, [REDACTED] can be heard saying "he's grabbing my throat." Officer Haworth denies ever grabbing [REDACTED] throat or choking him. PO Haworth observed that at that moment in the video, his right hand was on the door frame of the car, his left hand was holding the door open, and his hands were not on [REDACTED] Officer Haworth said it sounded like [REDACTED] made his exclamation rather loudly and opined that if he were being choked, he wouldn't have been able to do that. PO Haworth also noted that he is right-handed. With regard to getting [REDACTED] into the vehicle, Officer Haworth said [REDACTED] was refusing to get

into the vehicle and he had to manipulate him or help him to get into the vehicle. Officer Haworth said it would be “highly unlikely” that he ever placed his hands or fingers on [REDACTED] [REDACTED] throat unless he was “grabbing his shirt or something like that.” Officer Haworth said he might be grabbing his shirt if he was trying to get him into the vehicle and pushing on him one way or another.

Officer Haworth didn’t recall ever calling [REDACTED] a “little bitch” or any other names. PO Haworth said he accompanied [REDACTED] to the police station, but didn’t recall having any conversation with him, and couldn’t remember whether [REDACTED] ever complained about being handcuffed too tightly or any other physical pain. Officer Haworth didn’t recall whether he intentionally slammed on the brakes to cause [REDACTED] to hit his head in the police car, but said that he would never do something like that.⁶

An Interview of Accused Officer Zachary Gammonley, #15808 was taken at COPA on October 25, 2017. During his interview, PO Gammonley stated that he had worked with Officer Haworth in the past. After viewing Attachment 34, which is cell phone video captured by [REDACTED] Officer Gammonley was able to identify himself and Officer Haworth in the video. PO Gammonley couldn’t recall who was driving their police vehicle that day, but remembered they were in the area of 7600 S. Central Park because a Department member’s son had been murdered not far from that location, and an undercover unit had spotted a vehicle with the possible offenders in it. PO Gammonley said there was a call over the air regarding the possible offenders and he and his partner, PO Haworth, responded because they weren’t on another assignment.

After reviewing Attachments 42 and 43, which are a vehicle impoundment/seizure report and three citations issued to [REDACTED] respectively, PO Gammonley related that they pulled over [REDACTED] because he was observed driving while using a cellphone. Gammonley couldn’t recall whether they used their lights and sirens to pull [REDACTED] over, but said they curbed the vehicle, did a name check, and discovered he had a suspended or revoked driver’s license. PO Gammonley also stated they were unable to get any proof of insurance on the vehicle.

Upon viewing Attachment 34 again, PO Gammonley stated that he was not the Officer on the video stating “My badge doesn’t come off, asshole.” Regarding the portion of the video when [REDACTED] can be heard saying “he’s grabbing my throat,” PO Gammonley said “from the positioning of the other officer in the video it doesn’t look like his hands are on him [Gardner].”

⁶ As summarized from Attachments 59 and 60, which are the audio recorded statement of Officer Haworth.

PO Gammonley said he didn't recall whether PO Haworth called [REDACTED] a "little bitch" or any other names during the traffic stop, and said he did not observe PO Haworth choke [REDACTED]. PO Gammonley stated he did not observe PO Haworth ever slam [REDACTED] head into the CPD vehicle. PO Gammonley said he couldn't recall whether he and PO Haworth were the officers who transported [REDACTED] to the station. PO Gammonley didn't recall [REDACTED] ever complaining of any injuries or asking for medical attention.⁷

b. Digital Evidence

Video recording made by [REDACTED] on August 14, 2016. A video of the August 14, 2016 encounter between [REDACTED] and CPD officers was taken by [REDACTED] a copy of which [REDACTED] provided to IPRA on August 16, 2016. This video was captured on [REDACTED] cellphone and lasts two minutes twenty-two seconds. The video begins inside [REDACTED] vehicle, capturing a verbal exchange between [REDACTED] and CPD Officer 1⁸. [REDACTED] can be heard saying, "I'm gonna go back to my house," to which Officer 1 responds, "that's it, you're going to be arrested!" [REDACTED] inquires, "they can't arrest me, for what? ...excuse me, I did nothing wrong, you can't arrest me." Officer 2⁹ tells [REDACTED] "just put the car in park, we're not going to arrest you." [REDACTED] is then ordered by Officer 1 to exit the vehicle, to which [REDACTED] objects.

At this point, Officer 1 notes, "you have to get out of the car, it's the law." While [REDACTED] continues to object to Officer 1's orders, Officer 2 says, "listen dude, just cooperate and you'll be fine." Officer 1: "See, this is all you." [REDACTED] "What the hell am I getting arrested for?" Officer 1: "You're not, but you got to comply with my direction." As [REDACTED] exits his vehicle, the vantage point of the video moves to the outside of the car. [REDACTED] shouts, "you grabbed me for no reason" at which point the sound of handcuffs clicking can be heard. Officer 2 says, "hey man, just chill out," to which [REDACTED] continues to object to the detention. [REDACTED] can be heard saying, "I have to record this, it's my brother," to which an officer says, "make sure you get that right there," referencing his police star. [REDACTED] shouts out, "OK sir, why are you throwing it in my face?" At this point, [REDACTED] asks what happened, to which [REDACTED] responds, "he just threw his badge in my face!" [REDACTED] "what the hell is wrong with y'all?" Officer: "My badge doesn't come off, asshole."

The camera then moves to capture [REDACTED] and an officer next to a CPD vehicle, with Officer 1 shouting, "get in the car." Officer 2 asks [REDACTED] if she has insurance, which [REDACTED] moves to locate. Given that the documents are inside [REDACTED] vehicle, the camera angle shifts back to the interior of [REDACTED] car. Once [REDACTED] locates some

⁷ As summarized from Attachment 55, which is the audio recorded statement of Officer Gammonley.

⁸ Through our investigation, we determined Officer 1 is Officer Haworth, #10742.

⁹ Through our investigation, we determined Officer 2 is Officer Gammonley, #15808.

documentation, the camera angle moves back to the squad car; Officer 1 stands outside the vehicle, while [REDACTED] appears to be sitting inside the rear of the car. Officer 1 appears to say, "are you crying little man?" after which point [REDACTED] shouts, "what? Hey, he just called me a fucking..." [REDACTED] shouts out, "what did you call him?" and [REDACTED] shouts, "[REDACTED], he's grabbing my throat!" Officer 1 continues to order [REDACTED] to get in the squad car.

Once [REDACTED] is in the car, Officer 1 turns his attention back to [REDACTED] car and orders everyone to get out. The video ends with [REDACTED] asking for names and badge numbers; an officer responds, "I'm doing an investigation..." the camera shakes and goes dark. A second video provided by [REDACTED] appears to be taken in a hospital, lasting 14 seconds. The video shows some light markings on [REDACTED] wrists, which may have come from the handcuffing.¹⁰

A Video clip of Travon Gardner. A 14 second video captured on [REDACTED] cell phone shows [REDACTED] wrists, with a hospital band around his right wrist, apparently taken at Holy Cross Hospital where [REDACTED] was admitted for his injuries. The clip shows that his left and right wrists both have minor abrasions.¹¹

Photographs of [REDACTED] taken at IPRA on August 16, 2016. The photographs of [REDACTED] show a scratch on his left nostril, abrasions on his inside right wrist, and abrasions on his outside left wrist.¹²

Photographs of [REDACTED] taken at IPRA on August 16, 2016. Photographs of [REDACTED] right hand and pinky finger don't depict any visible signs of injury.¹³

c. Physical Evidence

Summary of **Medical Records from Holy Cross Hospital** for [REDACTED] detail superficial abrasions to wrists - left wrist not tender, right wrist tenderness; right wrist pain, numbness and tingling reported. X-rays revealed no fracture or dislocation. The patient was also complaining of a headache; there was no physical evidence of trauma to the head.¹⁴

d. Documentary Evidence

CLEAR Map of Police Observation Devices (PODs). A map was obtained through CLEAR which shows the area of the incident and any PODs in the vicinity. The closest POD is

¹⁰ Attachment 34.

¹¹ Attachment 34.

¹² Attachment 44.

¹³ Attachment 44.

¹⁴ Attachment 45.

located at S. Lawndale Ave. and W. 79th Street, a half a mile away from the incident and out of range of the location of the incident.¹⁵

Summary of **OEMC GPS Data** for CPD vehicles near 7600 S. Central Park Ave. on the date and time of the incident. GPS data shows units 805 and 848 were at the location of the incident during the relative time period.¹⁶

Attendance and Assignment Records for Unit 008 and Unit 005 show that Officer Haworth was assigned to Beat 848 along with Officer Gammonley; Officer Gammonley had been detailed to Unit 005, but had the day off from that assignment and is the officer who signed the citations issued to the complainant.¹⁷

CPD Event Queries for beat 848 on the date and time in question show there was a traffic stop conducted at 8:33p.m. at 7600 S. Central Park and a name check inquiry for Gardner, Travon.¹⁸

Vehicle Impoundment/Seizure Report detailing that the car driven by [REDACTED] was impounded on 14 August 2016 at 8:57p.m. from the location 7600 S. Central Park. The report is signed by Officer Haworth, Star #10743, unit 008 and beat of assignment 848.¹⁹

Citations Issued to [REDACTED] was issued three citations signed by Officer Gammonley, star #15808. The three citations were for use of a mobile phone while driving, driving on a suspended or revoked license, and operating an uninsured vehicle.²⁰

VI. ANALYSIS

COPA recommends a finding of **Sustained for Allegation #1** against **Officer James Haworth #10742**, in that on August 14, 2016, Officer Haworth handcuffed [REDACTED] too tightly, causing injuries. Pursuant to the Rules and Regulations of the Chicago Police Department, Rule 2 Prohibits any action or conduct which impedes the Department's efforts to achieve its policy and goals or brings discredit upon the Department. Rule 3 prohibits any failure to promote the Department's efforts to implement its policy or accomplish its goals. Rule 8 prohibits disrespect to or maltreatment of any person, while on or off duty. Rule 9 prohibits engaging in any unjustified verbal or physical altercation with any person, while on or off duty.

¹⁵ Attachment 4.

¹⁶ Attachment 5.

¹⁷ Attachments 12, 26, 27, 42 and 43.

¹⁸ Attachments 7 and 8.

¹⁹ Attachment 42.

²⁰ Attachment 43.

██████████ alleged that he was handcuffed too tightly and that he sustained injuries as a result. Photos taken of ██████████ and a video clip of ██████████ wrists both show that he sustained abrasions to his wrists. Medical Records from Holy Cross Hospital document that ██████████ sought treatment for his injuries. He reported numbness and tingling in his right wrist, as well as numbness in the tips of his fingers on his right hand, as a result of being handcuffed for 30-45 minutes too tightly. The hospital performed X-rays and found no fracture or dislocation. The abrasions to ██████████ right wrist show two parallel abrasions which would align with the inside of a handcuff.

In his interview, Officer Haworth didn't recall ██████████ complaining of being handcuffed too tightly, didn't recall whether he had double locked the handcuffs that evening, and didn't recall whether he ever checked to see if ██████████ handcuffs were on too tightly. Given that ██████████ was transported to another location to be ticketed, and reasonably could have been handcuffed for upwards of 30 minutes, as well as ██████████ telling hospital personnel that he was handcuffed for 30-45 minutes, Officer Haworth should have checked his handcuffs. Additionally, ██████████ is very vocal for the entirety of the video of the incident, making it extremely likely that he complained about being handcuffed too tightly. ██████████ also stated in his interview with IPRA that he complained to the officers that he was handcuffed too tightly. Taken in conjunction with the fact that Officer Haworth doesn't deny that ██████████ complained of discomfort but rather says he doesn't recall, it's more likely than not that ██████████ did complain of being handcuffed too tightly and that he was in pain.

Officer Haworth doesn't remember whether he ever checked ██████████ Handcuffs to determine whether they were on too tightly, while ██████████ clearly remembered being handcuffed too tightly, and sought medical attention for it. Given that, and the evidence of his injuries, a preponderance of the evidence supports that ██████████ was handcuffed too tightly. Therefore, COPA recommends a finding of sustained for this allegation against Officer Haworth.

COPA recommends a finding of **Sustained for Allegation #2** against **Officer James Haworth #10742**, in that on August 14, 2016, Officer Haworth Inappropriately stated, "Are you crying, little man?" to ██████████ Pursuant to the Rules and Regulations of the Chicago Police Department, Rule 2 Prohibits any action or conduct which impedes the Department's efforts to achieve its policy and goals or brings discredit upon the Department. Rule 3 prohibits any failure to promote the Department's efforts to implement its policy or accomplish its goals. Rule 8 prohibits disrespect to or maltreatment of any person, while on or off duty. Rule 9 prohibits engaging in any unjustified verbal or physical altercation with any person, while on or off duty.

The most probative evidence regarding this allegation is the cell phone video made by ██████████ of the incident that evening. Officer Haworth can clearly be heard saying "[a]re you crying, little man?" to ██████████ at time interval 1:37 seconds in the video. In his interview,

Officer Haworth admits that he can be heard saying this and claims his remarks were because [REDACTED] had earlier been acting tough but was later crying, in a turn of events. Any change in behavior from [REDACTED] doesn't warrant a reaction or commentary that is belittling toward a citizen. Whatever the reason for Mr. Haworth's comment, it's an unacceptable way to communicate with members of the public. Even if Officer Haworth perceived [REDACTED] to be uncooperative and combative, it's Officer Haworth's responsibility to act with the proper level of professionalism and decorum towards members of the public, as mandated by the Department's Rules of Conduct. For the foregoing reasons, COPA recommends a finding of sustained for this allegation.

COPA recommends a finding of **Sustained for Allegation #3 against Officer James Haworth #10742**, in that on August 14, 2016, Officer Haworth verbally abused [REDACTED]. Pursuant to the Rules and Regulations of the Chicago Police Department, Rule 2 Prohibits any action or conduct which impedes the Department's efforts to achieve its policy and goals or brings discredit upon the Department. Rule 3 prohibits any failure to promote the Department's efforts to implement its policy or accomplish its goals. Rule 8 prohibits disrespect to or maltreatment of any person, while on or off duty. Rule 9 prohibits engaging in any unjustified verbal or physical altercation with any person, while on or off duty.

As we've established, in the cell phone video recorded by [REDACTED] Officer Haworth can clearly be heard saying "[a]re you crying, little man?" Officer Haworth also readily conceded that he made this comment, as well as a profanity directed at [REDACTED] which is allegation 4. The tone of his comment to [REDACTED] is extremely condescending and intended to make [REDACTED] feel inferior, even with the word choice of "little," and insinuating that crying is something to be ashamed of, especially for a man. This is the exact type of attitude and language which the Rules of Conduct and Standards of Conduct prohibit. Standard of Conduct 6 states in part:

While the urgency of a given situation would demand firm action, discourtesy or disrespect shown toward a citizen is indefensible. The practice of courteous and respectful conduct by a member is not a manifestation of weakness; it is, on the contrary, entirely consistent with the firmness and impartiality that characterizes a professional police officer.

Officer Haworth's remarks are wholly unwarranted and fly in the face of the objectives of the Police Department and undermine the credibility of the Department's officers. As Standard of Conduct 6 so aptly states, "discourtesy breeds contempt and resistance." Had Officer Haworth handled this situation differently, [REDACTED] may have been more cooperative. But again, whether [REDACTED] was argumentative or not does not excuse verbal abuse or the use of profanity towards members of the public. For these reasons, COPA recommends a finding of sustained for allegation 3 against Officer Haworth.

COPA recommends a finding of **Sustained for Allegation #4** against **Officer James Haworth #10742**, in that on August 14, 2016, Officer Haworth Inappropriately stated, "My badge doesn't come off asshole." Pursuant to the Rules and Regulations of the Chicago Police Department, Rule 2 Prohibits any action or conduct which impedes the Department's efforts to achieve its policy and goals or brings discredit upon the Department. Rule 3 prohibits any failure to promote the Department's efforts to implement its policy or accomplish its goals. Rule 8 prohibits disrespect to or maltreatment of any person, while on or off duty. Rule 9 prohibits engaging in any unjustified verbal or physical altercation with any person, while on or off duty.

In attachment #34, which is the video taken by [REDACTED] Officer Haworth can be heard saying "My badge doesn't come off asshole," to [REDACTED] at time interval 1:02 seconds. This was in response to [REDACTED] exclaiming that Officer Haworth was throwing his badge in her face. In his Interview with COPA, Officer Haworth conceded that he is the one making this statement directed at [REDACTED] and attempted to explain his comment by stating that his badge is sewn onto his vest, so it's literally impossible for the badge to come off or for him to have thrown it. However, Officer Haworth was unable to explain the use of profanity or the rude nature of his remark. Again, this type of attitude is not acceptable and undermines the Department's efforts to maintain a trust with the public. COPA recommends a finding of sustained for allegation #4.

COPA recommends a finding of **Sustained for Allegation #5** against **Officer James Haworth #10742**, in that on August 14, 2016, Officer Haworth choked [REDACTED] Pursuant to the Rules and Regulations of the Chicago Police Department, Rule 2 Prohibits any action or conduct which impedes the Department's efforts to achieve its policy and goals or brings discredit upon the Department. Rule 3 prohibits any failure to promote the Department's efforts to implement its policy or accomplish its goals. Rule 8 prohibits disrespect to or maltreatment of any person, while on or off duty. Rule 9 prohibits engaging in any unjustified verbal or physical altercation with any person, while on or off duty.

[REDACTED] alleged in his statement to IPRA that Officer Haworth was ordering him inside of the CPD vehicle, and despite his compliance, Officer Haworth choked him. The video evidence captures the time frame of this occurrence and the verbal exchange between [REDACTED] and Officer Haworth, which is consistent with the statement that [REDACTED] gave to IPRA. Officer Haworth can be seen standing at the driver-side rear door of the squad car, and [REDACTED] cannot be seen, but his voice can be clearly heard. [REDACTED] is presumably seated in the back, driver-side of the squad car. Officer Haworth is yelling at him to "get in the car," and [REDACTED] is in the backseat. [REDACTED] can then be heard saying "he's grabbing my throat." His voice sounds muffled and distressed. Officer Haworth is still standing at the door of the backseat, his right hand is on the door frame. At 1:43 seconds, he appears to move his left hand from the door to another position, likely inside of the vehicle. Simultaneously his body position changes and he shifts his

body weight. This is occurring at the same time a smacking sound is heard, and then [REDACTED] can be heard exclaiming “[h]e’s grabbing my throat. Treonia, he’s grabbing my throat.”

In his interview with COPA, Officer Haworth watched the video attachment 34 and said he thought it looked as though both of his hands were outside of the vehicle during the relevant frames, and also noted that he is right-handed. Officer Haworth’s right hand can be seen on the outside of the squad car for the duration of this sequence. Officer Haworth added that [REDACTED] wouldn’t be able to speak if he were being choked. While a complete lack of oxygen and compression of the throat would disable a person from vocalizing, other amounts of pressure to the throat or windpipe would still allow for sound to come out. [REDACTED] voice does sound distressed and unusual when he exclaims “he’s grabbing my throat,” lending credence to his claim that he was being choked or grabbed around the neck. The CPD defines a chokehold as “applying direct pressure to a person's trachea (windpipe) or airway (the front of the neck) with the intention of reducing the intake of air.”

Officer Haworth said in his interview that it’s “highly unlikely” that he ever placed his fingers or hands on or near [REDACTED] throat; however, he said that if he was trying to get [REDACTED] into his vehicle, it’s possible he pushed [REDACTED] or grabbed his shirt to get him into the car. [REDACTED] said that he was choked by Officer Haworth, which stopped when Officer Gammonley approached the vehicle. This is corroborated by the video evidence in that you can hear a smacking sound, see Officer Haworth’s position changing, hear [REDACTED] straining to articulate that he was being choked, and Officer Gammonley approaching the squad car which stops this exchange. Although Officer Haworth says that he is right-handed, that wouldn’t preclude him from using his left hand to do this.

[REDACTED] account of what transpired during this incident is largely supported by the video evidence, making his account of what happened credible. Taken in conjunction with what we can see and hear on the video, Officer Haworth’s tacit admission that he could have pushed [REDACTED] or grabbed him by the shirt, having physical contact with him, make it more likely than not that Officer Haworth choked [REDACTED] as defined by the CPD Directives. For the foregoing reasons, COPA recommends a finding of sustained for allegation #5.

COPA recommends a finding of **Not Sustained for Allegation #6 against Officer James Haworth #10742**, in that on August 14, 2016, Officer Haworth purposely and unnecessarily slammed on the brakes while transporting [REDACTED] causing him to hit his face against the partition in the police vehicle. Pursuant to the Rules and Regulations of the Chicago Police Department, Rule 2 Prohibits any action or conduct which impedes the Department’s efforts to achieve its policy and goals or brings discredit upon the Department. Rule 3 prohibits any failure to promote the Department’s efforts to implement its policy or accomplish its goals. Rule 8

prohibits disrespect to or maltreatment of any person, while on or off duty. Rule 9 prohibits engaging in any unjustified verbal or physical altercation with any person, while on or off duty.

In his statement to IPRA, ██████████ alleged that while he was being transported to the station for ticketing, Officer Haworth intentionally slammed on the brakes while he was driving, which caused ██████████ to hit his head in the squad car. ██████████ said they had been engaged in a heated discussion, prompting Officer Haworth to slam on the brakes in retaliation. While photographs of ██████████ show a tiny scratch on his nose, there is no way to know where this scratch came from. In his statement, Officer Haworth didn't recall ever slamming on his brakes while driving ██████████ to the station and said he would never do something like that. Officer Gammonley didn't recall who transported ██████████ to the station at all. There is no independent information to corroborate ██████████ accusation regarding this allegation, and therefore COPA recommends a finding of not sustained for allegation #6.

COPA recommends a finding of **Not Sustained for Allegation #7 against Officer James Haworth #10742**, in that on August 14, 2016, Officer Haworth slammed ██████████ head into the roof of the CPD vehicle. Pursuant to the Rules and Regulations of the Chicago Police Department, Rule 2 Prohibits any action or conduct which impedes the Department's efforts to achieve its policy and goals or brings discredit upon the Department. Rule 3 prohibits any failure to promote the Department's efforts to implement its policy or accomplish its goals. Rule 8 prohibits disrespect to or maltreatment of any person, while on or off duty. Rule 9 prohibits engaging in any unjustified verbal or physical altercation with any person, while on or off duty.

In his statement to IPRA, ██████████ said that Officer Haworth slammed his head into the CPD vehicle twice while he was being put in the backseat. Officer Haworth said he never slammed ██████████ head into the squad car and Officer Gammonley said he didn't see that either. The video evidence captures a portion of time when Officer Haworth is putting ██████████ into the squad car, but the video shifts from that vantage point to another and doesn't capture ██████████ head ever being slammed into the squad car. In the video you can hear some kind of commotion in the distance, but it's unclear what's happening. Once the vantage point switches back to the squad car, ██████████ is already seated in the vehicle. Upon viewing the video attachment, Officer Haworth said he had to manipulate ██████████ to get him into the backseat, but denied ever slamming his head into anything. Based on the foregoing, COPA recommends a finding of not sustained for this allegation.

COPA recommends a finding of **Sustained for Allegation #8 against Officer James Haworth #10742**, in that on August 14, 2016, Officer Haworth brought discredit upon the Department with conduct unbecoming a police officer during a traffic stop. Pursuant to the Rules and Regulations of the Chicago Police Department, Rule 2 Prohibits any action or conduct which impedes the Department's efforts to achieve its policy and goals or brings discredit upon the

Department. Rule 3 prohibits any failure to promote the Department's efforts to implement its policy or accomplish its goals. Rule 8 prohibits disrespect to or maltreatment of any person, while on or off duty. Rule 9 prohibits engaging in any unjustified verbal or physical altercation with any person, while on or off duty.

Considering our determinations on the previous allegations, Officer Haworth's actions and conduct throughout the course of this stop are unbecoming a Police Officer and reflect badly on the Department as a whole. The Rules of Conduct as well as the Standards of Conduct prohibit the physical and verbal abuse of citizens, and actions which undermine the Department's efforts to establish and maintain trust in the communities served. Officer Haworth's actions are in stark contrast to the goals of the Department and reflect badly on other officers who are doing their hardest to uphold the values of the Police Department. For these reasons, COPA recommends a finding of sustained for this allegation.

COPA recommends a finding of **Not Sustained for Allegation #1 against Officer Zachary Gammonley #15808**, in that on August 14, 2016, Officer Gammonley observed and/or had knowledge of misconduct on the part of another department member and failed to report it. Pursuant to the Rules and Regulations of the Chicago Police Department, Rule 3 prohibits any failure to promote the Department's efforts to implement its policy or accomplish its goals, and Rule 10 prohibits inattention to duty.

Although there is video which captures a portion of the incident in this case, Officer Gammonley said in his interview that he was unaware of Officer Haworth's verbal or alleged physical abuse of any of the civilians present on the evening of August 14, 2016. Officer Gammonley was speaking to [REDACTED] whilst Officer Haworth was interacting with [REDACTED]. The video does show that Officer Gammonley's attention was directed toward [REDACTED] for a majority of what was captured on the video and it's unclear whether he would have heard Officer Haworth's remarks or would have seen his actions. At the point in the video when Officer Haworth swears at [REDACTED] saying "[m]y badge doesn't come off, asshole," which is at time interval 1:02, Officer Gammonley is speaking to [REDACTED]. Although Officer Gammonley was within ear-shot of Officer Haworth when he said this, he may not have been actively listening to what Officer Haworth was saying while he was preoccupied talking to [REDACTED]. It appears that Officer Gammonley was alternately occupied by either [REDACTED] or [REDACTED] at the times when Officer Haworth was in violation of Department policies.

At the point in the altercation when Officer Haworth was allegedly physically abusing [REDACTED] while placing him in the CPD vehicle, which begins at time interval 1:36 in the video, Officer Gammonley is again talking to [REDACTED] attempting to get insurance information on the vehicle. Officer Gammonley turns toward the CPD vehicle after [REDACTED] reacts to [REDACTED] yelling "[h]e's grabbing my throat," which is at time interval 1:46 in the video. It's

unclear whether Officer Gammonley turns around because he hears [REDACTED] yelling or because [REDACTED] is reacting to her brother yelling. In either case, it appears Officer Gammonley was not in a position to see what was happening at the squad car. Additionally, in his interview, Officer Gammonley maintained that he had no knowledge of any wrongdoing on the part of Officer Haworth. Based on a totality of the evidence in this case, there is insufficient evidence to determine whether Office Gammonley had actual knowledge of any wrongdoing on the part of Officer Haworth. Therefore, COPA recommends a finding of not sustained.

VII. RECOMMENDED DISCIPLINE FOR SUSTAINED ALLEGATIONS

a. Officer James Haworth

i. Complimentary and Disciplinary History

Officer James Haworth has no relevant, sustained disciplinary history and no outstanding complimentary history.

ii. Recommended Penalty, by Allegation

1. Allegation No. 1.

COPA recommends a penalty of 15 days suspension. In reaching this recommendation, COPA considered the injuries sustained by the complainant, and the length of time [REDACTED] was handcuffed too tightly without having his handcuffs checked.

2. Allegation No. 2.

COPA recommends a penalty of 15 days suspension. In reaching its recommendation, COPA considered the context in which Officer Haworth made these statements and the officer's conduct throughout the course of the stop.

3. Allegation No. 3.

COPA recommends a penalty of 15 days suspension. In reaching its recommendation, COPA considered the nature of the verbal abuse and Officer Haworth's conduct throughout the course of this stop.

4. Allegation No. 4.

COPA recommends a penalty of 15 days suspension. In reaching its recommendation, COPA considered the use of profanity, the context in which Officer Haworth made the statement, and Officer Haworth's conduct throughout the course of the stop.

5. Allegation No. 5.

COPA recommends a penalty of 15 days suspension. In reaching its recommendation, COPA considered the severity of the unnecessary force and the lack of necessity of any use of force.

6. Allegation No. 8.

COPA recommends a penalty of 15 days suspension. In reaching its recommendation, COPA considered Officer Haworth’s demeanor and overall conduct throughout the course of the stop, including the other sustained findings in this case.

VIII. CONCLUSION

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

Officer	Allegation	Finding / Recommendation
Officer James Haworth	1. Handcuffed [REDACTED] too tightly, causing injuries in violation of Rules 2, 3, 8 and 9.	Sustained / 15 Days Suspension
	2. Inappropriately stated “Are you crying, little man?” to [REDACTED] in violation of Rules 2, 3, 8 and 9.	Sustained / 15 Days Suspension
	3. Verbally abused [REDACTED] in violation of Rules 2, 3, 8 and 9.	Sustained / 15 Days Suspension
	4. Inappropriately stated “My badge doesn’t come off asshole,” in violation of Rules 2, 3, 8 and 9.	Sustained / 15 Days Suspension
	5. Choked [REDACTED] in violation of Rules 2, 3, 8 and 9.	Sustained / 15 Days Suspension
	6. Purposely and unnecessarily slammed on the brakes while transporting [REDACTED] causing him to hit his face against the partition in the police vehicle, in violation of Rules 2, 3, 8 and 9.	Not Sustained
	7. Slammed [REDACTED] head into the roof of the CPD vehicle in violation of Rules 2, 3, 8 and 9.	Not Sustained

	8. Brought discredit upon the Department with conduct unbecoming a police officer during a traffic stop in violation of Rules 2, 3, 8 and 9.	Sustained / 15 Days Suspension
Officer Zachary Gammonley	1. Observed and/or had knowledge of misconduct on the part of another department member and failed to report it, in violation of Rules 3 and 10.	Not Sustained

Approved:

Angela Hearts-Glass
Deputy Chief Administrator – Chief Investigator

Date

10-24-18

Appendix A

Assigned Investigative Staff

Squad#: 15

**Investigator:
Linda Wyant**

**Supervising Investigator:
Anthony Becknek**

**Deputy Chief Administrator:
Angela Hearts-Glass**