

SUMMARY REPORT OF INVESTIGATION¹

Date/Time/Location of Incident:	February 14, 2016/6:30 am/ 105 E. Delaware Place
Date/Time of COPA Notification:	February 17, 2016/4:26 pm
Involved Officer #1:	Martin O’Flaherty, Star #19616, Employee ID# [REDACTED] Date of Appointment: 8/5/1996, Police Officer, Unit of Assignment: 018, DOB: [REDACTED]/1970, Male, White
Involved Individual #1:	[REDACTED] DOB: [REDACTED] 1987, Male, Black
Case Type:	Excessive Force

I. ALLEGATIONS

Officer	Allegation	Finding
Officer O’Flaherty	1. Pushed [REDACTED] in violation of Rules 8 and 9.	Exonerated

II. SUMMARY OF EVIDENCE²

On February 14, 2016, the complainant, [REDACTED] (“[REDACTED]”) and a group of friends went to the Whitehall Hotel after a night out partying and drinking alcohol. At some point, security asked the group to leave the hotel.³ Two female police escorted them to the lobby and instructed them to vacate the premises. [REDACTED] informed IPRA that despite being asked to leave, he and his group waited in the lobby because it was cold outside, and they were waiting for a ride.

At some point, the two female officers informed them that they were going to call a “wagon” as hotel personnel wanted the group to leave and they were not compliant. [REDACTED] witnessed one of the officers call for a “wagon,” at which time the group filed out onto the street.

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.

² COPA conducted a full and complete investigation of this matter, including the interview of all pertinent civilian and officer witnesses, and the collection and review of digital, documentary, and forensic evidence. As part of COPA’s ongoing efforts to increase case closure capacity, certain cases opened under IPRA are summarized more succinctly in a Modified Summary Report of Investigation, pursuant to COPA Guideline Modified Summary Report of Investigation Template and Approvals, effective February 13, 2019.

³ WhiteHall personnel completed incident reports related to this incident that indicate that the group was asked to vacate due to their behavior. Additionally, there is surveillance footage from the hotel that shows a portion of the first interaction with officers.

Officer Martin O’Flaherty arrived, detained and began to search, one of the people who was with [REDACTED] [REDACTED] (“[REDACTED]”). While he was trying to place [REDACTED] under arrest, [REDACTED] walked behind Officer O’Flaherty, who then pushed [REDACTED] fell backwards.⁴ [REDACTED] then yelled and threatened to fight Officer O’Flaherty. [REDACTED] and [REDACTED] were subsequently arrested.

III. ANALYSIS AND CONCLUSION

COPA finds that Officer O’Flaherty’s actions are Exonerated. Prior to Officer O’Flaherty’s arrival, the group was repeatedly asked to leave the hotel by hotel personnel and the two officers who initially contacted them. Moreover, the officers gave the group ample opportunity to vacate the hotel prior to calling the “wagon.” When they did not leave the hotel after receiving notice that they could not remain, there was probable cause to arrest them for Criminal Trespass.⁵ Therefore, Officer O’Flaherty had the legal right to detain and arrest [REDACTED] and [REDACTED].

While attempting to place [REDACTED] into custody, [REDACTED] was belligerent and aggressively walked up behind Officer O’Flaherty, advancing on him, as evidenced by the third-party video. Officer O’Flaherty’s action was appropriate for the situation and the force used did not rise to the level of excessive force, therefore COPA did not find it appropriate to serve allegations in this case. The General Order that governed this incident, classified [REDACTED] as an assailant based on his actions.⁶ [REDACTED] act of advancing on Officer O’Flaherty allowed Officer O’Flaherty to use direct mechanical strikes. Officer O’Flaherty’s use of force was within CPD policy. After the push, [REDACTED] continued to be belligerent and threatening towards Officer O’Flaherty.

Approved:

[REDACTED SIGNATURE]

Angela Hearts-Glass
Deputy Chief Administrator – Chief Investigator

2-21-19

Date

⁴ A portion of this incident is captured on third party cell phone video.

⁵ See 720 ILCS 5/21-3

⁶ General Order 03-02-02, Effective 01/01/2016

Appendix A

Assigned Investigative Staff

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

