

SUMMARY REPORT OF INVESTIGATION<sup>1</sup>

Date of Incident:	November 19, 2015
Time of Incident:	9:15 PM
Location of Incident:	██████████
Involved Officer:	Veronica Silva, Star #11935 Susan Cho, Star #7246
Involved Individual:	████████████████████
Case Type:	Excessive Force

## I. ALLEGATIONS

Officer	Allegation	Finding
Officer Silva	1. Failed to take ██████████ statement, in violation of Rule 2 and Rule 10.	Unfounded
	2. Grabbed ██████████ by the throat and shoulders, in violation of Rule 6 and Rule 9.	Unfounded
	3. Performed an emergency takedown on ██████████ without justification, in violation of Rule 6 and Rule 9.	Unfounded
	4. Pushed ██████████ face into the ground, in violation of Rule 6 and Rule 9.	Unfounded
	5. Performed a chokehold on ██████████ in violation of Rule 6 and Rule 9.	Unfounded
	6. Arrested ██████████ without justification, in violation of Rule 1.	Unfounded
	7. Knead and kicked ██████████ back, in violation of Rule 6 and Rule 9.	Unfounded

<sup>1</sup> 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.

	8. Handcuffed ██████ so tightly it caused bleeding, in violation of Rule 6 and Rule 9.	Unfounded
Officer Cho	1. Failed to take ██████ statement, in violation of Rule 2 and Rule 10.	Unfounded
	2. Grabbed ██████ by the throat and shoulders, in violation of Rule 6 and Rule 9.	Unfounded
	3. Performed an emergency takedown on ██████ without justification, in violation of Rule 6 and Rule 9.	Unfounded
	4. Pushed ██████ face into the ground, in violation of Rule 6 and Rule 9.	Unfounded
	5. Performed a chokehold on ██████ in violation of Rule 6 and Rule 9.	Unfounded
	6. Arrested ██████ without justification, in violation of Rule 1.	Unfounded
	7. Knead and kicked ██████ back, in violation of Rule 6 and Rule 9.	Unfounded
	8. Handcuffed ██████ so tightly it caused bleeding, in violation of Rule 6 and Rule 9.	Unfounded
Unknown Officer 1	1. Threw ██████ into the police car so hard her head hit the opposite side, in violation of Rule 6 and Rule 9.	Unfounded
Unknown Officer 2	1. Threw slippers at ██████ head, in violation of Rule 6 and Rule 9.	Unfounded

## II. SUMMARY OF EVIDENCE<sup>2</sup>

The complainant, [REDACTED] was arrested on November 19, 2015 by Officers Veronica Silva and Susan Cho. [REDACTED] alleged excessive force by the two arresting officers. Specifically, [REDACTED] alleged the officers grabbed her by the throat and shoulders, pushed her to the ground, strangled her, twisted her head onto the sidewalk, handcuffed her, kned and kicked her back. COPA does not find [REDACTED] allegations credible.

COPA reviewed all relevant reports including the arrest report, original incident case report, detective's supplementary report, tactical response reports authored by both Officer Silva and Officer Cho. Additionally, COPA reviewed Office of Emergency Management and Communications Event Query Reports for three separate 911 calls made by [REDACTED] and [REDACTED]. COPA conducted interviews with involved parties [REDACTED] and [REDACTED] as well as witnesses [REDACTED] and [REDACTED]. COPA's attempts to interview witness [REDACTED] were unsuccessful. COPA attempted to obtain medical records for [REDACTED] however the medical facility responded that no records existed.<sup>3</sup> Responding officers were not assigned Body Worn Cameras (BWC) until August 18, 2016, therefore footage does not exist.

On November 19, 2015 Officer Silva and Officer Cho responded to a domestic call where the complainant, [REDACTED] and her cousin [REDACTED] were engaged in a verbal argument. Upon arrival the Officers got between the two women. [REDACTED] and [REDACTED] continued to argue and eventually [REDACTED] struck [REDACTED] in the face. Officer Silva and Cho attempted to place [REDACTED] under arrest. [REDACTED] pulled away from the officers, failed to listen to verbal commands and resisted the arrest. Officer Silva and Cho attempted to physically control [REDACTED] and eventually performed an emergency takedown. Officer Silva and Cho continued to struggle with [REDACTED] but eventually were able to place cuffs on her. [REDACTED] was then arrested.

## III. ANALYSIS

**All Allegations against Officer Silva and Officer Cho are Unfounded.** The allegations against the **Unknown Officers** are **Unfounded**.

As outlined above, COPA does not find [REDACTED] version of events credible. Two eye witnesses, [REDACTED] and [REDACTED] provided consistent version of events describing [REDACTED] as the aggressor. Not only did both witnesses assert that [REDACTED] committed a battery on [REDACTED] both described [REDACTED] as resisting the officers' attempts to place her into custody by pulling her arms away as they tried to cuff her. The witnesses' version of events was substantially consistent to the officers' reports. [REDACTED] on the other hand, offered a self-serving

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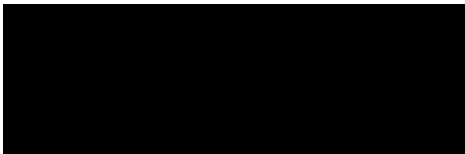
<sup>2</sup> COPA conducted a full and complete investigation of this matter, including the interview of all pertinent civilian and officer witnesses, and the collection and review of digital, documentary, and forensic evidence. As part of COPA's ongoing efforts to increase case closure capacity, certain 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.

<sup>3</sup> The summary of the facts was based on the analysis of the evidence cited. A full list of the attachments is attached as appendix B.

statement mitigating any culpability and painting the officers as unnecessarily aggressive. Most importantly, ██████ provided COPA with a document, which she asserted was a sworn statement authored by her neighbor ██████ ██████. However, ██████ denied to COPA that she authored the document. The document included details and assertions that it is unlikely ██████ would have known or made. Additionally, ██████ signature is clearly imposed upon a letter and was photocopied to appear to be part of the document. Furthermore, the available evidence indicates that ██████ never sought medical care as she claimed to COPA.

CPD Policy permits the use of force against an active resister.<sup>4</sup> An individual is considered an active resister if that person attempts to create distance between that person and the member's reach with the intent to avoid physical control and/or defeat the arrest. Policy states that stunning, striking or slapping a subject in an attempt to increase control or interfere with the subject's ability to resist are appropriate responses for a subject defined as an active resister. For the reason's articulated above, ██████ was clearly an active resister and therefore the officers' actions were within CPD policy.

Approved:



February 23, 2019

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Andrea Kersten  
*Deputy Chief Administrator – Chief Investigator*

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Date

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<sup>4</sup> General Orders 03-02, 03-02-01, and 03-02-02

**Appendix A**

Assigned Investigative Staff

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<b>Squad#:</b>	Four
<b>Investigator:</b>	Kelsey Fitzpatrick, #61
<b>Supervising Investigator:</b>	James Murphy-Aguilu, #19
<b>Deputy Chief Administrator:</b>	Andrea Kersten