

SUMMARY REPORT OF INVESTIGATION¹

I. EXECUTIVE SUMMARY

Date of Incident:	October 10, 2016
Time of Incident:	5:00 pm – 5:30 pm
Location of Incident:	3420 W. 63rd Street, Chicago, IL 60629
Date of IPRA Notification:	October 28, 2016
Time of IPRA Notification:	9:28 am

██████████ was arrested on a signed complaint for assault and battery, and was transported to the 008th District Station. While being transported to the station, ██████ verbally expressed her displeasure with being arrested but never informed Officers Christopher Jania and Gregory Strelczyk (collectively “the officers”) that her handcuffs were too tight, nor did she ever make any remarks that would reasonably cause any officer to believe that her handcuffs were too tight. Upon arrival at the station, ██████ was escorted to and placed in a holding cell. As Officer Gregory Strelczyk placed ██████ in the holding cell he referred to her as an “animal.”

During her statement to COPA, ██████ made the below allegations and was clear that she was seated in the rear of the CPD vehicle when she informed the officers that her handcuffs were too tight. ██████ did not suffer injuries during her interaction with the officers. During our investigation COPA determined that the allegations were **sustained** for verbal abuse and **unfounded** for the complaints related to the handcuffs.

II. INVOLVED PARTIES

Involved Officer #1:	Officer Christopher Jania / Star #17519 / Employee ID ██████ / DOA: December 14, 1998 / Unit: 008 / DOB: ██████, 1973 / Male / White.
Involved Officer #2:	Officer Gregory Strelczyk / Star #5431 / Employee ID ██████ / DOA: February 28, 2000 / Unit: 008/045 / DOB: ██████, 1977 / Male / White.
Involved Individual #1:	██████████ / DOB: ██████, 1975 / Female / 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 Christopher Jania	1. Ignored ██████████ complaints that her handcuffs were too tight, in violation of Rule 8.	Unfounded.
Officer Gregory Strelczyk	1. Handcuffed ██████████ too tightly, in violation of Rule 8. 2. Referred to ██████████ as an “animal” or words of similar effect, in violation of Rules 6 and 9.	Unfounded. Sustained / 5-day Suspension.

IV. APPLICABLE RULES AND LAWS

Rules
1. Rule 6: Prohibits disobedience of an order or directive, whether written or oral. 2. Rule 8: Prohibits disrespect to or maltreatment of any person, while on or off duty. 3. Rule 9: Prohibits engaging in any unjustified verbal or physical altercation with any person, while on or off duty.
General Orders
1. G02-01: Human Rights and Human Resources (effective 7/4/1992 through 10/4/2017). ²

V. INVESTIGATION³

a. Interviews⁴

In a **statement to IRPA⁵** on October 31, 2016, ██████████ stated she attempted to collect her vehicle on October 10, 2016, at A-OK ██████████ an auto repair shop located at 5805 South Archer Avenue, when she got into a verbal argument with employees. During the argument, ██████████ the owner,⁶ blocked the door that leads to the service area and attempted to prevent ██████████ from entering the area. As ██████████ approached ██████████ he pushed her away and she responded by pushing ██████████ back and threatened to strike ██████████⁷ ██████████ contacted the police and instructed his

² Att. 63.

³ COPA conducted a thorough and complete investigation. The following is a summary of the material evidence gathered and relied upon in our analysis.

⁴ After reviewing all the collected evidence, COPA determined that the only conduct that needed explanation was Officer Strelczyk’s reference to ██████████ as an “animal;” therefore, COPA only interviewed Officer Strelczyk.

⁵ Atts. 4 and 47.

⁶ ██████████ identified the owner of the auto repair shop only as ██████████ (Att. 4, at 11:13). However, the Original Case Incident Report (Att. 14) identifies the victim in ██████████ arrest as ██████████

⁷ Relevant portion at 03:59 and 14:30 of Att. 4.

employees to not release [REDACTED] vehicle. Upon arrival of the officers, [REDACTED] was arrested for battery. [REDACTED] was placed in the CPD vehicle and requested to know why [REDACTED] was not arrested. Evan explained that while she was being transported to the district she informed the officers that her handcuffs were too tight.⁸ Upon arrival at the district, Officer Strelczyk placed her in a holding cell and referred to her as a “black animal.”⁹ [REDACTED] was clear that only she and Officer Strelczyk were present when he referred to her as a “black animal.”¹⁰

In a **statement to COPA**¹¹ on April 5, 2019, **Officer Gregory Strelczyk** stated he assisted in the arrest of [REDACTED]. Officer Strelczyk explained, that based on his working relationship with Officer Jania and the listing of his name as the attesting officer on the arrest report, he believed that he was responsible for obtaining the signed complaints during their investigation. Additionally, Officer Strelczyk explained that it would be normal practice for [REDACTED] to be secured in the CPD vehicle while the signed complaints were completed. Once the signed complaints were received, [REDACTED] was transported to the 008th District Station. Officer Strelczyk characterized [REDACTED] demeanor as belligerent, argumentative, and speculative as to why she was arrested. [REDACTED] accused the officers of arresting her because she was a black woman. Upon arrival at the district station, [REDACTED] was escorted into the processing area. Once in the processing area, Officer Strelczyk placed [REDACTED] into a holding cell and sarcastically referred to her an “animal.”

Officer Strelczyk explained that at no time did [REDACTED] complain that her handcuffs were too tight, nor did she make any comments that would cause him to believe her handcuffs were too tight. He did not remember who placed [REDACTED] into handcuffs but stated that they always double-lock the handcuffs so that they do not tighten up and they check the cuffs for fit. Additionally, at no time did Officer Strelczyk observe [REDACTED] to have any injuries nor did she ever request any form of medical treatment. Initially, Officer Strelczyk explained that his reference to [REDACTED] as an “animal” was in response to a remark she made about being caged like an animal, and that had he known [REDACTED] was under treatment for mental health issues, he would have not made the comment. Finally, Officer Strelczyk acknowledged and agreed that regardless of [REDACTED] mental health, referring to her, or anyone, as an “animal” was not proper under any circumstance. At no time did Officer Strelczyk deny referring to [REDACTED] as an “animal.”

b. Digital Evidence

In-Car Camera¹² (ICC) footage depicts [REDACTED] being agitated that she was arrested and accusing the officers of arresting her because she was black¹³ and because she is female. The officers responded by engaging with [REDACTED] in a sometimes condescending and dismissive manner. Further, the footage depicts that [REDACTED] is upset that the officers would not release her and allow

⁸ Relevant portion at 25:02 of *Id.*

⁹ In her statement [REDACTED] identified the officer who placed her in the holding cell as Officer Jania, who was the driver of the police vehicle. However, during our investigation COPA determined that she was mistaken in her identification and that Officer Strelczyk was the driver and the one who placed her in the holding cell.

¹⁰ See also, footnote 8. Relevant portion from 26:39 to 26:48 of Att. 4.

¹¹ Att. 62.

¹² On all the ICC footage, Officer Strelczyk’s voice is captured on the left audio channel and Officer Jania’s voice is captured on the right audio channel. Att. 44.

¹³ [REDACTED] is the only person who makes any reference to race during the entirety of the ICC footage.

her to leave the location of her arrest. At no point during her transport does █████ ever inform the officers that her handcuffs are too tight nor does she make any comment that would indicate her handcuffs were too tight.¹⁴ However, during the her transportation █████ repeatedly accused the officers of arresting her for racial and gender reasons. The officers explained that is not why she was arrested, and informed her that her conduct was captured on surveillance footage.¹⁵ Additionally, as █████ is being placed in a holding cell, audio captures Officer Strelczyk stating “let me put you in your cell, because that’s where animals go.”¹⁶ The ICC footage documents the entire time █████ in the rear of the CPD vehicle.

Further, ICC footage depicts Officer Strelczyk completing a test of the ICC system at the start of his shift. His voice is heard on the left channel of audio, which is the same channel that depicts the remark of █████¹⁷

c. Documentary Evidence

█████ Arrest Report¹⁸ and Original Case Incident Report¹⁹ detail that when █████ attempted to pick up her car, she also attempted to enter the service area of the business without permission to do so. When █████ stopped her from entering, █████ struck █████ in the face and body, and threatened to damage the business. When the officers arrived, █████ was in the service area. █████ signed complaints for battery and assault. The report details that █████ was in possession of medication for Bi-Polar/Schizoaffective disorder. █████ was charged with simple assault and battery.

VI. LEGAL STANDARD

For each Allegation COPA must make one of the following findings:

1. Sustained - where it is determined the allegation is supported by a preponderance of the evidence;
2. Not Sustained - where it is determined there is insufficient evidence to prove the allegations by a preponderance of the evidence;
3. Unfounded - where it is determined by clear and convincing evidence that an allegation is false or not factual; or
4. Exonerated - where it is determined by clear and convincing evidence that the conduct described in the allegation occurred, but it is lawful and proper.

¹⁴ Relevant portions from 00:10 to 23:24 of pc0u595@2016101070322 of Att. 44.

¹⁵ Relevant portions from 00:10 to 23:24 of pc0u595@2016101070322 of *Id.*

¹⁶ Relevant portion on the left audio channel at 23:24 of pc0u595@2016101070322; 00:10 of pc0u595@2016101072638 of Att. 44; at 23:24 of Att. 53; and at 00:10 of Att. 54.

¹⁷ Relevant portion on the left audio channel at 01:00 to 01:32 of pc0u595@20161010161741 of Att. 44; and 01:00 to 01:32 of Att. 55.

¹⁸ Att. 12.

¹⁹ Att. 14.

A **preponderance of evidence** can be described as evidence indicating that it is **more likely than not** that the conduct occurred and violated Department policy. *See Avery v. State Farm Mutual Automobile Insurance Co.*, 216 Ill. 2d 100, 191 (2005), (a proposition is proved by a preponderance of the evidence when it has found to be more probably true than not). If the evidence gathered in an investigation establishes that it is more likely that the misconduct occurred, even if by a narrow margin, then the preponderance of the evidence standard is met.

Clear and convincing evidence is a higher standard than a preponderance of the evidence but lower than the "beyond-a-reasonable doubt" standard required to convict a person of a criminal offense. See *e.g., People v. Coan*, 2016 IL App (2d) 151036 (2016). Clear and Convincing can be defined as a "degree of proof, which, considering all the evidence in the case, produces the firm and abiding belief that it is highly probable that the proposition . . . is true." *Id.* at ¶ 28.

VII. ANALYSIS

COPA finds that Allegation #1 against both the officers is **Unfounded**. Here, ██████ was clear that she informed the officers that her handcuffs were too tight while she was seated in the rear of the CPD vehicle. A complete review of the ICC footage directly refutes this allegation. At no time does ██████ state that her handcuffs are too tight, nor does she ever make any remarks that would reasonably cause any officer to believe that her handcuffs were too tight. Therefore, COPA finds that the evidence is clear and convincing that ██████ handcuffs were not too tight or if they were she never made any attempts to inform the officers.

COPA finds that Allegation #2 against Officer Strelczyk is **Sustained**. Department members are required to "treat all persons with courtesy and dignity which is inherently due every person as a human being[.]" And do so while "speak[ing] ... in a professional manner" ²⁰ Here, the ICC footage clearly captures a male officer stating, "let me put you in the cell, because that's where animals go" as he places ██████ in a holding cell. This statement is heard on the left audio channel of the ICC footage, which is the same audio channel Officer Strelczyk is heard completing his start of duty ICC system test. Further, Officer Strelczyk admitted to and took responsibility for referring to ██████ as an "animal." Officer Strelczyk's reference to ██████ as an "animal" during their encounter demonstrated a lack of respect, dignity, and professionalism required by policy and therefore, COPA finds that the preponderance of the evidence supports the finding that it is more likely than not that Officer Strelczyk was the officer that referred to ██████ as an "animal" when he placed her in the holding cell.

VIII. RECOMMENDED DISCIPLINE FOR SUSTAINED ALLEGATIONS

a. Officer Gregory Strelczyk

i. Complimentary and Disciplinary History

²⁰ G02-01 III (B).

1. **Complimentary:** 1 Life Saving Award; 8 Department Commendation; 1 Honorable Mention Ribbon; 75 Honorable Mentions; 1 Special Commendation; and 5 Complimentary Letters.
2. **Disciplinary:** Officer Strelczyk has had no disciplinary action administered against him for the past five years.

ii. Recommended Penalty, by Allegation

1. Allegation No. 2 – 5-day Suspension

Here the evidence is clear that Officer Strelczyk referred to [REDACTED] as an “animal” as he placed her into the holding cell. Additionally, Officer Strelczyk admitted to the conduct and agreed that it was improper and served no purpose. COPA can think of no purpose for Officer Strelczyk’s comment other than to embarrass, disrespect, demean, and insult [REDACTED]

IX. CONCLUSION

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

Officer	Allegation	Finding / Recommendation
Officer Christopher Jania	1. Ignored [REDACTED] complaints that her handcuffs were too tight, in violation of Rule 8.	Unfounded.
Officer Gregory Strelczyk	1. Handcuffed [REDACTED] too tightly, in violation of Rule 8. 2. Referred to [REDACTED] as an “animal” or words of similar effect, in violation of Rules 6 and 9.	Unfounded. Sustained / 5-day Suspension.

Approved:

[REDACTED]

5/30/2019

Andrea Kersten
Deputy Chief Administrator – Chief Investigator

Date

Appendix A

Assigned Investigative Staff

Squad#:	5
Investigator:	Garrett Schaaf
Supervising Investigator:	Loren Seidner
Deputy Chief Administrator:	Andrea Kersten