

CIVILIAN OFFICE OF POLICE ACCOUNTABILITY LOG# 1084883

SUMMARY REPORT OF INVESTIGATION¹

I. EXECUTIVE SUMMARY

Date of Incident:	April 17, 2017
Time of Incident:	6:02 pm
Location of Incident:	██
Date of COPA Notification:	April 18, 2017
Time of COPA Notification:	3:22 pm

On April 17, 2017 ██████████ ██████████ was arrested by Officers Vann, Donnelly, and Guzman due to a stolen motor vehicle. ██████████ alleged that the officers used excessive force during the arrest. After interviewing ██████████ and reviewing available evidence, COPA determined all allegations regarding excessive force are Not Sustained; however, allegations regarding verbal abuse against Officer Vann are Sustained.

II. INVOLVED PARTIES

Involved Officer #1:	Eugene Vann, Star #17679, Employee ID# ██████████, Date of Appointment: November 24, 2014, Police Officer, Unit 011, Date of Birth: ██████████, 1984, Male, Hispanic
Involved Officer #2:	Michael Donnelly, Star #13784, Employee ID# ██████████, Date of Appointment: November 04, 2013, Police Officer, Unit 11, Date of Birth: ██████████, 1988, Male, White
Involved Officer #3:	Michael Guzman, Star #15911, Employee ID# ██████████, Date of Appointment: September 29, 2014, Police Officer, Unit 011, Date of Birth: ██████████, 1987, Male, Hispanic
Involved Officer #4:	Paul Pulkownik, Star #11237, Employee ID# ██████████, Date of Appointment: August 31, 2015, Police Officer, Unit 11, Date of Birth: ██████████, 1988, Male, Hispanic
Involved Individual #1:	██, 2002, Male, African-American

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.

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III. ALLEGATIONS²

Officer	Allegation	Finding / Recommendation³
Officer Vann #17679	<p>It is alleged by ██████████ on or about April 17, 2017 at approximately 6:00pm at or near ██████████ that Officer Eugene Vann, Star #17679 committed misconduct through the following acts or omissions, by:</p> <ol style="list-style-type: none"> 1. Stating words to the effect of “I got you Motherfucker”, in violation of Rule 2, Rule 8, and Rule 9. 2. Stating words to the effect of “Fuck you”, in violation of Rule 2, Rule 8, and Rule 9. <p>It is alleged by COPA on or about April 17, 2017 at approximately 6:00pm at or near ██████████ that Officer Eugene Vann, Star #17679 committed misconduct through the following acts or omissions, by:</p> <ol style="list-style-type: none"> 3. Pulling dreadlocks from ██████████ scalp during arrest, in violation of Rule 9. 	<p>SUSTAINED</p> <p>SUSTAINED</p> <p>NOT SUSTAINED</p>
Officer Donnelly #13784	<p>It is alleged by COPA on or about April 17, 2017 at approximately 6:00pm at or near ██████████ that Officer Michael Donnelly #13784 committed misconduct through the following acts or omissions, by:</p> <ol style="list-style-type: none"> 1. Pulling dreadlocks from ██████████ scalp during arrest, in violation of Rule 9. 	<p>NOT SUSTAINED</p>
Officer Guzman #15911	<p>It is alleged by COPA on or about April 17, 2017 at approximately 6:00pm at or near ██████████ that Officer Michael Guzman #15911 committed misconduct through the following acts or omissions, by:</p>	

² Detail each allegation with reference to the rule violated.

³ Only include recommendations if there are one or more sustained findings.

1. Pulling dreadlocks from [REDACTED] scalp during arrest, in violation of Rule 9.	NOT SUSTAINED
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IV. APPLICABLE RULES AND LAWS

Rules

1. **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.
 2. **Rule 8:** Disrespect to or maltreatment of any person, while on or off duty.
 3. **Rule 9:** Engaging in any unjustified verbal or physical altercation with any person, while on or off duty.
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General Orders

1. **G0-03-02:** Use of Force
 2. **G0-03-02-01:** Force Options
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V. INVESTIGATION⁴

a. Interviews

██████████ a minor, (herein referred to as ██████████) was interviewed by the Independent Police Review Authority (IPRA) on April 19, 2017, with his ██████████ ██████████ (herein referred to as ██████████) present.⁵

██████████ stated that he was playing basketball across the street in his neighbor ██████████ ██████████ backyard. ██████████ stated that his mother called for him to return home. ██████████ stated that he noticed several squad cars surrounding the area of his home. As ██████████ approached his home, the officers did not say anything to him until he entered his home. According to ██████████ he locked the front door and it was kicked open by an unknown officer. Three officers entered the home and tried to arrest ██████████ stated that the arresting officers pulled him by the arms, and pulled out a total of four dreadlocks from his scalp. ██████████ stated that one of the officers attempted to tase him but never discharged the taser.

██████████ was arrested and transported to District #11 Station.⁷ ██████████ stated that after he was photographed, the same officers who arrested him called him “all kinds of niggers, bitches, and hoes,”⁸ and physically attacked him by punching him repeatedly in the ribs. ██████████ described all three officers as white males and one or two were wearing a uniform. ██████████ told COPA all three officers participated in the acts described above. He described one officer as muscular build, wearing sunglasses, hat and he appeared to be in his late twenties or early thirties. ██████████ was unable to provide details regarding the other officers. ██████████ refused medical attention.

██████████ was interviewed by Civilian Office of Police Accountability (COPA) on July 25, 2017.⁹ ██████████ is the father of the complainant, ██████████. According to ██████████ he was walking home on the evening of April 17, 2017, when he observed several squad cars near his home. He immediately contacted his family to inquire about his children. As ██████████ approached his house, he observed three police officers run into his home.

Per ██████████ there were four white police officers in his home. Two were wearing uniforms and two were in plain clothes. One of the officers had ██████████ in a headlock, which ██████████ described as a “chokehold”. ██████████ told the officers that his son suffers from asthma, dyslexia, and a learning disability. ██████████ stated that one of the officers responded, “I don’t give a fuck.”

██████████ mother, ██████████ pushed one of the officer’s hands, preventing him from firing the taser at her son. ██████████ observed three to four of ██████████ dreadlocks that were pulled

⁴ COPA conducted a thorough and complete investigation. The following is a summary of the material evidence gathered and relied upon in our analysis.

⁵ Att. 12

⁶ Att. 31. COPA attempted to interview ██████████ however ██████████ never responded to any phone calls. COPA attempted an in-person visit on April 26, 2019, visit was unsuccessful.

⁷ Att. 3

⁸ Att. 12 at 11:44

⁹ Att. 28

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from the scalp laying on the porch. ██████ added that he observed scratches on ██████ back as they carried him to the squad car.

██████ stated that the officers shifted their attention towards his older son, ██████. An officer was prepared to use a taser on ██████ however, ██████ was holding a small child in his arms. ██████ stated that he verbally interjected and told the officer not to fire the taser while his son was holding the baby. Although the officer did not deploy the taser, ██████ stated that the officer held the taser at arms-length from ██████.

██████ provided COPA with a cell phone video depicting a portion of the arrest of ██████. Further, ██████ agreed to provide COPA with pictures of the ripped dreadlocks, however to date has not provided those pictures.

██████ was interviewed by the Civilian Office of Police Accountability (COPA) on July 27, 2017.¹⁰ According to ██████ was visiting the neighbor across the street. She phoned ██████ to return home and the police followed him home. The officers kicked in the front door of the vestibule area and seized ██████.

██████ stated that one of the officers unholstered his taser and pointed it at ██████. ██████ stated that she alerted the officers that ██████ suffers from asthma. She admitted that she grabbed the officer's arm preventing him from firing the taser at ██████. However, ██████ denied spitting on any of the police officers.

██████ stated that officers made disrespectful statements and racial slurs such as "we don't give a fuck" and "fuck this nigger" while attempting to handcuff ██████. Although ██████ was not arrested, she was handcuffed and temporarily detained in a squad car to prevent from interfering with the arrest. While detained, ██████ was unable to witness the entire arrest which occurred in the vestibule area.

According to ██████ her family took pictures of ██████ bruised face and body. These pictures were submitted to the Internal Affairs, but not to COPA. ██████ stated that she no longer has possession of the pictures.

Officer Eugene Vann was interviewed by the Civilian Office of Police Accountability (COPA) on July 10, 2019.¹¹ Officer Vann was assigned to Beat 1122 as a patrol officer, April 17, 2017 and was in full uniform. He was in a marked police vehicle equipped with dash-cam video. Officer Vann's partner was Officer Paul Pulkownik.

Officer Vann stated that he and his partner initially responded to a call from dispatch regarding a knife. While driving to the call, a vehicle in front of him made a right hand turn out of the alley without using a turn signal. Officer Vann ran the license plate and the car came back stolen. Officer Vann then informed dispatch that they would be pursuing the stolen vehicle.

¹⁰ Att. 29

¹¹ Att. 54

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According to Officer Vann, he circled the block and observed two individuals exiting the stolen vehicle. He pursued the driver, now known as [REDACTED]. Officer Vann stated that his partner, Officer Pulkownik, pursued the passenger. Officer Vann lost sight of [REDACTED] but was able to call out his direction of flight and a description of his clothing. Officer Pulkownik took the stolen vehicle into the district as other officers canvassed the area searching for [REDACTED] and the other suspect.

Officer Vann heard over the radio that police were placing [REDACTED] in custody and assistance was needed. As Officer Vann arrived at [REDACTED] he saw two officers attempting to gain control of [REDACTED]. Officer Vann described [REDACTED] as rigid and refusing to follow officers' instructions.

Officer Vann ran upstairs in the vestibule area to assist Officer Guzman and Officer Donnelly with the emergency handcuffing. According to Officer Vann, Officers Donnelly or Guzman handcuffed [REDACTED]. Officer Vann stated that [REDACTED] mother, [REDACTED] spit in his face during the arrest. He detained [REDACTED] in a squad car with intentions on arresting her; however, Officer Vann was unaware that an on-duty Sergeant had released her, without arrest.

Officer Vann did not recall [REDACTED] hair being pulled out during, or after, the arrest. Officer Vann explained that he gives extra care to people with dreadlocks because they could be delicate and the slightest pull or tug could yank them out. Officer Vann recalled that [REDACTED] never requested medical attention. Officer Vann denies that he, or any other officers, used excessive force on [REDACTED].

During his interview with COPA, Officer Vann was shown his dash camera video, where an officer was heard stating "I got you motherfucker" and "fuck you." Officer Vann believed the voice was his. Officer Vann states that he did not recall making the statements; however, he stated that this was a high-stress situation and it was out of character for him. He stressed that [REDACTED] had spit in his face. He explained that the statement of "I got you motherfucker"¹² was more of a congratulatory statement to himself.

Officer Michael Donnelly was interviewed by the Civilian Office of Police Accountability (COPA) on August 12, 2019.¹³ Officer Donnelly stated that he was assigned to Beat 1122 as a patrol officer on April 17, 2017 and partnered with Officer Michael Guzman.

While on patrol, Officer Donnelly heard the description of a suspect who fled from a stolen vehicle, of an African-American male, with dreadlocks and a red and black jacket. Officer Donnelly observed an individual matching this description, now known as [REDACTED] in the backyard across from [REDACTED]. Officer Guzman approached and announced his office when [REDACTED] fled, discarded the jacket and attempted to enter the residence at [REDACTED]. Officer Donnelly and Officer Guzman approached [REDACTED] before he was able to enter the home and attempted to place him in custody.

¹² Attachment 41 at 18:46

¹³ Att. 55

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As Officer Donnelly attempted to place ██████ in custody, ██████ began to pull away and resist. At some point Officer Vann was also on the porch but Officer Donnelly was unsure when he arrived. During the interaction, Officer Donnelly reported that a woman spit on him. Officer Donnelly is unsure if he or Officer Guzman actually handcuffed ██████ but stated that he was focused on getting ██████ hands behind his back while ██████ fought with the officers.

Officer Donnelly stated that Officer Vann transported ██████ to the police station. Officer Donnelly denied that he pulled ██████ dreadlocks from his scalp before, during, or after the arrest. Officer Donnelly did not observe any officers pull ██████ dreadlocks from his scalp at any point. Officer Donnelly stated that neither he, nor his partners, ever entered the home at ██████.

Officer Michael Guzman was interviewed by the Civilian Office of Police Accountability (COPA) on September 6, 2019. ¹⁴ Officer Guzman stated that he was assigned to Beat 1122 as a patrol officer on April 17, 2017 and partnered with Officer Michael Donnelly. They responded to a traffic-related incident in which partner officers had a visual on a stolen vehicle, and saw the driver flee from the stolen vehicle. The driver was described as a black male with dreadlocks, wearing a red and black jacket.

Officer Guzman and his partner responded to the call to search for the suspect. Officer Guzman saw ██████ who fit the description lying in a ditch and attempting to hide. Officer Guzman stated that as he approached, ██████ removed his jacket and fled on foot. Officer Guzman stated that he, Officer Vann and Officer Donnelly attempted to place ██████ in cuffs. Officer Guzman was unsure who handcuffed ██████.

Officer Guzman denied that he pulled ██████ dreadlocks from his scalp before, during, or after the arrest. Officer Guzman did not observe any of the officers pull ██████ dreadlocks from his scalp before, during, or after the arrest.

Officer Paul Pulkownik was interviewed by the Civilian Office of Police Accountability (COPA) on August 22, 2019. ¹⁵ Officer Pulkownik was assigned to Beat 1122 as a patrol officer, April 17, 2017. He was in a marked police vehicle equipped with dash-cam video. Officer Pulkownik's partner was Officer Eugene Vann.

According to Officer Pulkownik, he spotted the stolen vehicle being driven by ██████. Officers Pulkownik and Vann gave chase and observed driver and passenger flee the vehicle. Officer Vann attempted to locate the driver of the vehicle as Officer Pulkownik chased the passenger by foot. Officer Pulkownik was unsuccessful in locating the passenger; however, he drove the stolen vehicle to the District. Officer Vann continued to canvass the area for the suspects.

¹⁴ Att. 57

¹⁵ Att. 56; COPA did not bring allegations against Officer Pulkownik because he was not present during the time of the arrest.

b. Digital Evidence

██████████ provided COPA with **Cell Phone Video**¹⁶ depicting a portion of the detention and arrest of ██████████. In short, the video shows two officers attempting to detain and cuff ██████████ on the front porch. ██████████ is on his feet and struggling to break free while the two officers try and grab him by his torso and around his head. The camera is positioned in the door of the home, the operator moves to a front window and continues to shoot video. The video only partially captures the arrest, but ██████████ is seen resisting the officers' attempts to place him in custody. The video does not capture any of the officers entering the home.

Dash Cam video¹⁷ depicts Officer Vann stating words to the effect of "I've got you motherfucker" and "Fuck you". Officer Vann's partner was not present during the time this violation occurred. Officer Vann admitted that he made these statements.

c. Physical Evidence

No relevant physical evidence was obtained pertaining to the present investigation.

d. Documentary Evidence

██████████ **Arrest Report** was obtained from April 17, 2017 with **RD#JA226788**¹⁸ ██████████ was charged with possession of stolen vehicle and resisting arrest. The arresting officers were listed as Officers Vann and Pulkownik. ██████████ was taken to the 11th District.

An **Original Case Incident Report** was also located for **RD#JA226788/Motor Vehicle Theft**¹⁹ reveals that ██████████ the owner of the Dodge Caravan, reported the vehicle stolen on April 16, 2017.

Case Supplementary Report²⁰ was submitted on April 18, 2017 regarding **RD#JA226788**. No additional, relevant information was contained in these reports pertaining to the present investigation.

A **Tactical Response Report (TRR)** was located for **RD#JA226788** created by Officer Michael Donnelly.²¹ The TRR described ██████████ as an active resistor specifying that ██████████ fled and pulled away. The document described the members response as takedown/emergency handcuffing. Further, the TRR described ██████████ condition as apparently normal and not hospitalized.

¹⁶ Attach. 26 cell phone video recorded by ██████████

¹⁷ Att. 27

¹⁸ Att. 3

¹⁹ Att. 7

²⁰ Att. 8

²¹ Att. 4

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A **Tactical Response Report (TRR)** was located for **RD#JA226788** created by Officer Michael Guzman.²² The TRR described [REDACTED] as an active resistor specifying that [REDACTED] fled and pulled away. The document described the members response as takedown/emergency handcuffing. Further, the TRR described [REDACTED] condition as apparently normal and refused medical aid.

A **Tactical Response Report (TRR)** was located for **RD#JA226788** created by Officer Eugene Vann.²³ The TRR described [REDACTED] as an active resistor specifying that [REDACTED] fled and pulled away. The document described the members response as takedown/emergency handcuffing. Further, the TRR described [REDACTED] condition as apparently normal and not hospitalized.

Office of Emergency Management and Communications (OEMC) Event Number 1710711705 was initiated at about 5:49 PM when Beat 1122 performed a street stop.²⁴ Beats 1121, 1106D, 1124, 1110, and 1140 assisted. At approximately 6:02 PM, Beat 1106D reported suspect in custody.

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.

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

²² Att. 5

²³ Att. 6

²⁴ Att. 18

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“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** and **allegation 2** against Officer Eugene Vann regarding verbal abuse are **Sustained**. As mentioned earlier, ICC dash cam reveals Officer Vann made the alleged statements. Further, Officer Vann admitted to making the statements. While Officer Vann explained that the situation was high stress, that does not negate the violation.

COPA finds that **allegation 3** against Officer Eugene Vann, **allegation 1** against Officer Michael Donnelly and **allegation 1** against Officer Michael Guzman regarding the use of excessive force be **Not Sustained**.

COPA finds that the officers were justified in the arrest of [REDACTED]. He was observed bailing from a stolen van that attempted to allude Officer Vann. Officer Guzman identified [REDACTED] based on Officer Vann’s description. Upon approach, [REDACTED] discarded the red and black jacket. He was later photographed wearing the jacket when he was processed. The third-party footage clearly shows three officers struggling to control [REDACTED] while he pulled away and attempted to defeat the arrest. While the footage does not show the entire incident, the video corroborates the officer’s statements and reports.

The footage however has its limitations. As it only shows a short portion of the incident, it is possible the officers pulled dreadlocks from [REDACTED] scalp. The family stated that they had pictures depicting the torn dreadlocks however, to date, the pictures have not been provided to COPA. During the arrest, there was a struggle between [REDACTED] and the arresting officers. The reports indicate that [REDACTED] refused medical attention immediately after the arrest. No records indicate any injury to [REDACTED].

The evidence indicates that the arrest of [REDACTED] was justified. However, COPA lacks clear and convincing evidence to determine whether the force used during that arrest was within policy, therefore the excessive force allegations are **Not Sustained**.

VIII. RECOMMENDED DISCIPLINE FOR SUSTAINED ALLEGATIONS

a. Officer Vann Star #17679

i. Complimentary and Disciplinary History

Officer Vann has one special commendation, two department commendations, thirty-eight honorable mentions, one life saving award, one superintendent’s award for tactical excellence, and one unit meritorious performance award. Officer Vann’s disciplinary history contains the following sustained allegations of misconduct: On May 1, 2019; Reprimand; Preventable Accident

ii. Recommended Penalty, by Allegation

1. Allegation No. 1

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COPA recommends a reprimand. Officer Vann admitted saying “I got you motherfucker,” which he explained was uncharacteristic of him and was said during a high-stress situation. However, the language used was not reasonable given the circumstances.

2. Allegation No. 2

COPA recommends a reprimand. Officer Vann admitted saying “fuck you,” the language used was not reasonable given the circumstances.

IX. CONCLUSION

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

Officer	Allegation	Finding / Recommendation
Officer Eugene Vann #17679	<p>It is alleged by [REDACTED] on or about April 17, 2017 at approximately 6:00pm at or near [REDACTED] that Officer Eugene Vann, Star #17679 committed misconduct through the following acts or omissions, by:</p> <ol style="list-style-type: none"> 1. Stating words to the effect of “I got you Motherfucker”, in violation of Rule 2, Rule 8, and Rule 9. 2. Stating words to the effect of “Fuck you”, in violation of Rule 2, Rule 8, and Rule 9. <p>It is alleged by COPA on or about April 17, 2017 at approximately 6:00pm at or near [REDACTED] that Officer Eugene Vann, Star #17679 committed misconduct through the following acts or omissions, by:</p> <ol style="list-style-type: none"> 3. Pulling dreadlocks from [REDACTED] scalp during arrest, in violation of Rule 9. 	<p>SUSTAINED</p> <p>SUSTAINED</p> <p>NOT SUSTAINED</p>
Officer Michael Donnelly #13784	<p>It is alleged by COPA on or about April 17, 2017 at approximately 6:00pm at or near [REDACTED] that Officer Michael Donnelly #13784 committed misconduct through the following acts or omissions, by:</p>	

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	1.Pulling dreadlocks from ██████████ scalp during arrest, in violation of Rule 9.	NOT SUSTAINED
Officer Michael Guzman #15911	<p>It is alleged by COPA on or about April 17, 2017 at approximately 6:00pm at or near ██████████ ██████████ that Officer Michael Donnelly #13784 committed misconduct through the following acts or omissions, by:</p> <p>1.Pulling dreadlocks from ██████████ scalp during arrest, in violation of Rule 9.</p>	NOT SUSTAINED

Approved:

██████████

December 7, 2019

 Andrea Kersten
 Deputy Chief Administrator – Chief Investigator

 Date

Appendix A

Assigned Investigative Staff

Squad#:	04
Investigator:	Tamla L. Jarrett
Supervising Investigator:	James Murphy-Aguilu
Deputy Chief Administrator:	Andrea Kersten