

SUMMARY REPORT OF INVESTIGATION

I. EXECUTIVE SUMMARY

Date of Incident:	December 18, 2017
Time of Incident:	12:58 PM
Location of Incident:	████████████████████
Date of COPA Notification:	December 27, 2017
Time of COPA Notification:	12:57 PM

On December 28, 2017 ██████████ was arrested in connection to an incident that involved a stolen vehicle. Chicago Police Officers arrested ██████████ identified as the driver of the vehicle, along with three other subjects.

On December 27, 2017, ██████████ the great grandmother of minor ██████████ filed a complaint against police officers in relation to the incident that involved her great grandson. She claimed an officer, now known as Officer Alexis Cotton, struck ██████████ with a closed fist during an arrest. She also stated he was issued five traffic violations.

On January 23, 2018, ██████████ stated in his interview that in addition to being struck, he was arrested without justification because he was never in the car.

II. INVOLVED PARTIES

Involved Officer #1:	Alexis Cotton, star # 17625, employee ID# ██████████, Date of Appointment March 15, 2013, Police Officer, Unit of Assignment 312, DOB ██████████, 1988, Male, White Hispanic.
Involved Officer #2:	Dennis Lanning, star # 11945, employee ID# ██████████, Date of Appointment October 31, 2005, Police Officer, Unit of Assignment 312, DOB ██████████, 1980, Male, White.
Involved Officer #3:	Daniel Passarelli, star # 11574, employee ID# ██████████, Date of Appointment April 30, 2007, Police Officer, Unit of Assignment 312, DOB unknown, Male, White. ¹
Witness Officer #1:	Jeffrey Troglia, star # 14164, employee ID# ██████████, Date of Appointment February 21, 2006, Police Officer, Unit of Assignment 312, DOB ██████████6, 1982, Male, White.

¹ Officer Passarelli was reported to have transferred to a different police department and was not interviewed. He was the officer that apprehended ██████████ and ██████████

Involved Civilian #1: ██████████ DOB ██████████, Male, Black.
 Civilian Witness #1: ██████████ DOB ██████████, 2002, Male, Black.
 Civilian Witness #2: ██████████ DOB ██████████, 1999, Male, White Hispanic.
 Civilian Witness #3: ██████████ DOB ██████████, 2000, Female, White Hispanic.

III. ALLEGATIONS

Officer	Allegation	Finding / Recommendation
Officer Dennis Lanning	1. It is alleged that on December 18, 2017, at about 12:41 PM, at or near 7826 S. Spaulding, Officer Dennis Lanning arrested ██████████ without justification in violation of Rule 2 and 725 ILCS 5/107-2.	EXONERATED
Officer Daniel Passarelli	1. It is alleged that on December 18, 2017, at about 12:41 PM, at or near ██████████ ██████████ Officer Passarelli arrested ██████████ without justification in violation of Rule 2 and 725 ILCS 5/107-2.	EXONERATED
Officer Alexis Cotton	1. It is alleged that on December 18, 2017, at about 12:41 PM, at or near ██████████ ██████████ Officer Cotton struck ██████████ in the face, with a closed hand, without justification in violation of Rules 2 and 9.	NOT SUSTAINED

IV. APPLICABLE RULES AND LAWS

Rules

- 1. **Rule 2:** Any action or conduct which impedes the Department’s efforts to achieve its policy and goals or brings discredit upon the Department.
- 3. **Rule 9:** Engaging in any unjustified verbal or physical altercation with any person, while on or off duty.

State Laws

- 1. **725 ILCS 5/107-2 Arrest by Peace Officer**

V. INVESTIGATION²

a. Interviews³

██████████ was interviewed by COPA investigators on January 23, 2018. During his interview ██████████ stated that on December 18, 2017, his great-grandmother dropped him off between Central Park Avenue and St. Louis Avenue after a doctor's appointment. ██████████ did not remember what time his great-grandmother dropped him off. He met his friend, ██████████ at 80th and Homan, and walked back down Homan toward their homes. At 79th and Homan a male, uniformed police officer stopped, got out of his unmarked car, pulled a gun and said do not move.⁵ ██████████ and his friend started running. ██████████ saw another police car approach and stop, and he kept running. When they got to Christiana Ave., they came upon an alley and ██████████ stopped to asked ██████████ "What we running for?"⁶ ██████████ put his hands up and an officer came around the corner.

The officer swung his fist when he saw ██████████⁷ The officer hit ██████████ in the jaw area with his closed fist, however he did not really feel it. The officer then told him to get on the ground, and then pushed him to the ground and put his knee on ██████████ back. The officer pulled his gun and told ██████████ to come over. ██████████ got on the ground and crawled over to the officer and ██████████. The officer then pulled ██████████ closer by his jacket and put his knee on his side/ribs and then on his face. A bruise was visible on the left side of ██████████ face.

██████████ said about twelve other officers came onto the scene. The officer that hit him was Arabian.⁸ He did not tell ██████████ what was happening, but told him to shut up or he would be swallowing his teeth. ██████████ stated he did not sustain any injuries; like cuts, bruises or lacerations.⁹ ██████████ and ██████████ were handcuffed and taken to the station by two other officers. ██████████ refused DUI tests and the officers took him to Holy Cross Hospital.¹⁰ Medical personnel determined he was ok to go to the lock-up. ██████████ did not complain of injury while at the hospital.¹¹

² COPA conducted a thorough and complete investigation. The following is a summary of the material evidence gathered and relied upon in our analysis.

³ ██████████ and ██████████ failed to cooperate with the investigation despite several attempts to schedule and/or reach the witnesses. The mother of ██████████ stated over the phone that if we were to interview ██████████ he would tell us he was not in the vehicle in question.

⁴ Att. 20.

⁵ Att. 20 at 04:20.

⁶ Att. 20 at 06:25.

⁷ Att. 20 at 06:38-07:15.

⁸ Att. 20 at 07:29.

⁹ Att. 20 at 09:40.

¹⁰ Att. 20 at 15:55.

¹¹ Att. 20 at 16:55.

██████████ stated that he was not under the influence of drugs and was not with any friends other than ██████████. He said he did not know anything about the car and did not operate a motor vehicle.¹²

Officer Dennis Lanning¹³

Officer Dennis Lanning was interviewed by COPA investigators on May 30, 2018. During the interview Officer Lanning stated that the incident involved the arrest of four subjects in relation to a stolen vehicle. He and Officer Passarelli were on routine patrol and observed a vehicle driven in a reckless manner. The vehicle pulled into a driveway, blocking the sidewalk, where all four subjects exited the vehicle and walked toward the residence in a hurried and suspicious manner.¹⁴ The officers then toured the area, returned, and watched the four subjects get back into the vehicle in a hurried manner and drive away. The officers activated their emergency lights to perform an investigatory stop. The vehicle failed to stop and drove away in a reckless manner. The officers did not want to chase the vehicle since they only wanted to perform an investigatory stop. They hung back and followed the vehicle.

The vehicle fled the scene. The officers lost sight of the vehicle for a short period of time but caught up to it again. Once the vehicle reached 79th Street, four subjects fled from the four doors of the vehicle while it was still in gear. The vehicle rolled and stopped once it hit the median.

Officer Lanning exited his vehicle and conducted a foot chase. He and his partner chased the two Hispanics that exited the vehicle. Officer Lanning and his partner caught up with the two Hispanic subjects, handcuffed them, and placed them into custody. Officer Lanning lost sight of the two male blacks who also exited the vehicle. The officers put a “flash message” over the air with a description of the subjects who fled.

Officer Lanning heard a radio transmission that the other two subjects had been apprehended by two other officers. The transmission provided the location of the other two officers and the two black male subjects. Officer Lanning and his partner relocated to that address. The officers and subjects were in a back yard and the subjects were already in handcuffs. Officer Lanning positively identified the two black male subjects as two of the subjects that exited the vehicle. The two black male subjects were placed into custody and transported to the 008th District for processing.

Officer Lanning did not see any sort of physical confrontation between the subjects and the officers on the scene. Neither of the subjects complained of any injury or altercation with the other officers. Officer Lanning did not see any injuries on either of the subjects.¹⁵

Officer Lanning said he spoke with ██████████ grandmother for thirty to forty minutes outside the police station.¹⁶ She told him about all of the issues she had with her grandson. Officer

¹² Att. 20 at 20:50.

¹³ Att. 35.

¹⁴ Att. 35 at 11:45.

¹⁵ Att. 35 at 17:25.

¹⁶ Att. 35 at 20:50-22:02.

Lanning felt [REDACTED] grandmother believed he was in the car because he hung out with people who misbehave and may have been attracted to that lifestyle and behavior.

Officer Alexis Cotton¹⁷

Officer Alexis Cotton was interviewed by COPA investigators on June 6, 2018. During the interview he stated that he and his partner were on patrol and responded to a radio message regarding a possible stolen vehicle that drove away from a traffic stop. The officers traveled westbound on 79th St. to the location, and observed the two subjects mentioned in the flash message. Officer Cotton and his partner recognized the subjects based on the description; two male blacks, one wearing a red jacket.¹⁸

The officers eventually exited their police vehicle and chased the two subjects, on foot, until they caught up with them in a back yard off an alley behind 79th Street. Both of the subjects were panting and standing in the back yard. Officer Cotton approached the subjects with his gun in hand, pointing to the ground, and ordered both subjects to get on the ground. Both subjects complied without incident, and were described as cooperative.

Officer Cotton only had one set of handcuffs and handcuffed them together, and did not recall telling either subject to crawl over to him, and did not recall dragging either subject or striking one in the face.¹⁹ Officer Cotton's partner, Officer Troglia, appeared shortly thereafter. Officers Cotton and Troglia waited for arresting Officers Lanning and Passarelli to arrive. The arresting officers identified the two subjects as being the subjects they were looking for.²⁰ The officers and the subjects went to the 008th District for processing.

Officer Jeffrey Troglia²¹

Officer Jeffrey Troglia was interviewed by COPA investigators on May 23, 2018. Officer Troglia and his partner, Officer Cotton, heard a radio call regarding a stolen vehicle and responded to the area to assist. The subjects described in the message ran right in front of their police vehicle and the officers stopped and exited the vehicle. The officers announced their office and engaged in a foot chase when the subjects fled. The officers believed these were the subjects based on the description given during the radio call: male, black and one having braids.²²

Officer Troglia lost sight of the subjects and was given directions over the radio as to the location of Officer Cotton and the two male subjects. By the time Officer Troglia caught up with Officer Cotton and the two subjects, Officer Cotton was placing the two subjects, who were both lying face down, into handcuffs without struggle.²³ Officer Troglia gave the address of their location over the radio. Soon after, Officers Lanning and Passarelli arrived and positively identified the two male subjects as the ones that fled from the stolen vehicle.²⁴

¹⁷ Att. 37.

¹⁸ Att. 37 at 07:30.

¹⁹ Att. 37 at 13:42-15:13.

²⁰ Att. 37 at 15:49.

²¹ Att. 33.

²² Att. 33 at 05:20.

²³ Att. 33 at 08:40.

²⁴ Att. 33 at 09:20.

Officer Troglia did not hear either subject say they were injured in any way, nor did he hear either of the two subjects say anything about Officer Cotton.²⁵

b. Digital Evidence

OEMC Transmissions

911 Call.²⁶ A woman called in to report an accident involving the stolen vehicle. An elderly woman named Kraft was in her vehicle when it was hit. The dispatcher stated he would send a sergeant to the scene.

Radio Exchange with Dispatch.²⁷ The dispatcher and officers communicated back and forth regarding the car chase, the foot chase and the capture of the four subjects that exited the vehicle. The vehicle was described as a blue Honda²⁸. The officers reported the occupants, a male and a female Hispanic, and two male blacks, exited the vehicle at 79th St. and Lawndale. One of the male blacks had a black jacket, grey pants, and black stocking cap. The male and female Hispanics were apprehended first. After a 17-minute search and foot chase, the two male blacks were apprehended. The dispatcher stated the vehicle was taken in relation to a robbery in Burbank. The dispatcher then reported that all four subjects were in custody with a positive ID.

Dash Cam Video²⁹

Dash Cam Video 1-Disk 1-An officer traveled with his lights and sirens going until he pulled up to a vehicle that was stopped in the middle of the street, up against the center median, with the driver side doors open. The passenger side doors are not visible. This officer stayed by the vehicle in question until other officers arrived.³⁰ Near end of recording the dispatcher said that they were both in custody.³¹

Dash Cam Video 3-Disk 1- An officer traveled with sirens for some distance and then turned them off. Eventually he located the woman that was involved in the automobile accident with the stolen vehicle.³² She declined an ambulance and did not seem to be able to identify the driver. The officer continued his search until he reached an alley where several other police vehicles were located. Someone said, "They got em,"³³

Body Worn Camera Video^{34, 35}

Body Worn Camera Video 6-Disk 2-A team of two officers in a transport vehicle mentioned they were transporting subjects to the station regarding Event 6716. Two male black

²⁵ Att. 33 at 09:45.

²⁶ Att. 31.

²⁷ Att. 32.

²⁸ It was a grey Honda according to dispatch.

²⁹ Att. 23.

³⁰ Att. 23, Disk 1, Video 1 (Dash Cam), at 05:20.

³¹ Att. 23, Disk 1, Video 1 (Dash Cam), at 19:13. Likely referring to [REDACTED] and [REDACTED]

³² Att. 23, Disk 1, Video 3 (Dash Cam), at 15:37.

³³ Att. 23, Disk 1, Video 1 (Dash Cam), at 19:47-20:18.

³⁴ Att. 23.

³⁵ The involved officers were all part of the Gang Enforcement Unit and were not outfitted with BWCs at that time.

subjects, later identified as [REDACTED] and [REDACTED] were let out of the back of a police van and taken into the station. [REDACTED] and [REDACTED] were put in two different rooms. [REDACTED] who was placed in the first room, wore a black jacket, black hat and khakis. He was told to remove his jacket, shoelaces, belt and to empty his pockets onto the table in the room. The subject stated he was on his way back to school.

c. Documentary Evidence

Arrest Reports

[REDACTED] (minor)³⁶- [REDACTED] was arrested on December 18, 2017. Officers initially attempted to perform an investigatory traffic stop when the driver of the vehicle, which had recently been in an accident, sped off. The police followed the vehicle, temporarily lost sight of the vehicle, and then eventually caught up with it again. Officers witnessed four subjects exit the vehicle and run. They left the vehicle sitting in the middle of the street still running. After a vehicle and foot chase, [REDACTED] was apprehended along with the three other occupants. [REDACTED] was positively identified as the subject that exited the driver's seat. [REDACTED] refused all chemical testing. He was taken to the hospital and cleared for arrest by medical staff. The offence cited was 625 ILCS 5.0/4-103-A-1 Receive/Possess/Sell Stolen Vehicle.

[REDACTED] (minor)³⁷- [REDACTED] was arrested on December 18, 2017. He was in the vehicle with [REDACTED] and was involved in the same incident. The offense cited on this report was 720 ILCS 5.0/21-2-A Criminal Trespass to Vehicles.

[REDACTED] [REDACTED]-Mr. [REDACTED] was arrested on December 18, 2017. He was in the vehicle with [REDACTED] and was involved in the same incident. The offense cited on this report was 720 ILCS 5.0/21-2-A Criminal Trespass to Vehicles.

[REDACTED] (minor)³⁹- [REDACTED] was arrested on December 18, 2017. She was in the vehicle with [REDACTED] and was involved in the same incident. The offense cited on this report was 720 ILCS 5.0/21-2-A Criminal Trespass to Vehicles.

Medical Records from Holy Cross Hospital⁴⁰

It is reported on the ED History and Physical form that [REDACTED] denied any pain. It also reported that [REDACTED] was arrested for suspected marijuana use and was the driver of a vehicle. This report also stated that [REDACTED] appeared medically clear. The final impression was: "Cannabis abuse, uncomplicated."

Traffic Tickets

Issued to [REDACTED]

TN-373-629/Driving Under the Influence

³⁶ Att. 7.

³⁷ Att. 8.

³⁸ Att. 9.

³⁹ Att. 10.

⁴⁰ Att. 22.

TN-373-630/Flee-Attempt Elude Officer
TN-373-631/Negligent Driving
TN-373-632/Disregard Stop Sign
TN-373-633/No Valid Driver's License

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 "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

The Burden of Proof COPA must satisfy to support the findings for the allegations discussed below is Preponderance of the Evidence and Clear and Convincing Evidence.

Officer Dennis Lanning

COPA finds **Allegation #1** against Officer Lanning, that on December 18, 2017, at about 12:41 PM, at or near [REDACTED] Officer Dennis Lanning arrested [REDACTED] without justification in violation of Rule 2, is not supported by the evidence and is **EXONERATED**.

According to 725 ILCS 5/107-2-Arrest by Peace Officer, a peace officer may arrest a person when he has reasonable grounds to believe that the person is committing or has committed an offense. In this case there is ample evidence that the arrest of ██████ was both reasonable and lawful. First, the officers initially observed a vehicle being driven in a reckless manner. Then the driver of the vehicle failed to submit to an investigatory stop, fled, and eventually abandoned the vehicle. ██████ admitted to running from the police and was issued five tickets for various traffic infractions. Furthermore, Officer Lanning had two opportunities to see who was in the vehicle before he identified ██████ as the driver.

Officer Daniel Passarelli

COPA finds **Allegation #1** against Officer Passarelli, that on December 18, 2017, at about 12:41 PM, at or near 7826 S. Spaulding, Officer Daniel Passarelli arrested ██████ without justification in violation of Rule 2, is not supported by the evidence and is **EXONERATED**.

The analysis for Officer Passarelli is consistent with that of Officer Lanning.

Officer Alexis Cotton

COPA finds **Allegation #1** against Officer Cotton, that on December 18, 2017, at about 12:41 PM, at or near ██████ Officer Cotton struck ██████ in the face, with a closed hand, without justification in violation of Rules 2 and 9, is not supported by enough evidence to sufficiently prove or disprove ██████ account of the event and is **NOT SUSTAINED**.

Although ██████ alleged that Officer Cotton hit him with a closed fist during his arrest, there is no other evidence this occurred. Officer Cotton stated in his interview that the subjects were placed under arrest and handcuffed without incident. ██████ did not mention a closed hand strike to either Officer Lanning or Officer Troglia while on the scene. During his interview, ██████ came off as unbelievable when he stated that Officer Cotton hit him in the jaw with a closed fist, but that, “he really didn’t feel it.” Furthermore, ██████ medical records make no mention he complained of being hit in any way by the officers, in fact, they stated the patient denied he was in any pain and had no evidence of head trauma. Lastly, arrest photos do not show any swelling or bruising on ██████ face.

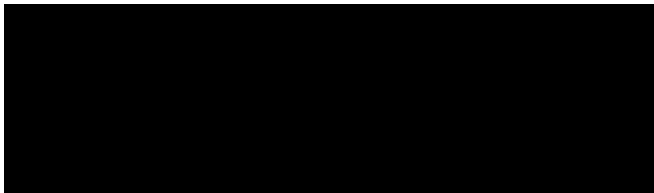
VIII. CONCLUSION

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

Officer	Allegation	Finding / Recommendation
Officer Dennis Lanning	1. It is alleged that on December 18, 2017, at about 12:41 PM, at or near ██████, Officer Dennis Lanning arrested	EXONERATED

	██████████ without justification in violation of Rule 2 and 725 ILCS 5/107-2.	
Officer Daniel Passarelli	1. It is alleged that on December 18, 2017, at about 12:41 PM, at or near ██████████ ██████████ Officer Passarelli arrested ██████████ ██████████ without justification in violation of Rule 2 and 725 ILCS 5/107-2.	EXONERATED
Officer Alexis Cotton	1. It is alleged that on December 18, 2017, at about 12:41 PM, at or near ██████████ ██████████ Officer Cotton struck ██████████ ██████████ in the face, with a closed hand, without justification in violation of Rules 2 and 9.	NOT SUSTAINED

Approved:



Angela Hearts-Glass
Deputy Chief Administrator

6-30-2020

Date

Appendix A

Assigned Investigative Staff

Squad#:	12
Investigator:	Frances Lee
Supervising Investigator:	Andy Dalkin
Deputy Chief Administrator:	Angela Hearts-Glass