

**SUMMARY REPORT OF INVESTIGATION**

**I. EXECUTIVE SUMMARY**

Date of Incident	September 7, 2018
Time of Incident	Approximately 11:40 a.m.
Location of Incident:	██
Date of COPA Notification:	September 7, 2018
Time of COPA Notification	Approximately 4:43 p.m.

A joint CPD / IDOC Fugitive Apprehension team arrested ██████████ (██████████) with the assistance of CPD members on patrol, after making a radio call for assistance. ██████████ resisted efforts to handcuff him and to remove him from the arrest scene. As a result, CPD members leg-shackled and forcibly seated ██████████ on the street adjacent to a curb while they awaited the arrival of a transport vehicle. While handcuffed, shackled, and forcibly seated, ██████████ banged his own head against a parked vehicle and struggled against the CPD members’ efforts to keep him restrained. In response to that resistance, Officer Andrew Turner (“Officer Turner”) took hold of ██████████ neck and head, forced ██████████ head to the ground, and then applied downward pressure, forcing the ██████████ neck and head to the street for approximately ten seconds before releasing that pressure at the direction of a CPD supervisor who was on the scene. COPA finds that Officer Turner’s force to ██████████ neck and head was excessive force.

**II. INVOLVED PARTIES**

Involved Member #1:	Andrew M. Turner, Star #14932, Employee ID# ██████████ Date of Appointment: December 5, 2005, Rank: Police Officer; Unit of Assignment: 007, DOB: ██████████, 1981, M/W
Involved Individual#1:	██████████ ██████████ DOB: ██████████, 1990, M/B

**III. ALLEGATIONS**

Member	Allegation	Finding/ Recommendation
Officer Turner	1. On September 7, 2018, at approximately 11:40 a.m., at or near 6439 S. Carpenter Street, Chicago, Illinois, you used excessive force in restraining the Compliant after he had been placed under arrest.	SUSTAINED / 30-Day Suspension

#### IV. APPLICABLE RULES AND LAWS

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##### Rules

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1. Rule 1, CPD Rules of Conduct (prohibiting violation of any law)
  2. Rule 6, CPD Rules of Conduct (prohibiting disobedience of an order or directive)
  3. Rule 8, CPD Rules of Conduct (prohibiting maltreatment)
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##### General Orders

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1. G03-02 *Use of Force* (effective October 16, 2017)
  2. G03-02-01 *Force Options* (effective October 16, 2017)
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##### Federal Laws

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1. U.S. Constitution, Fourth Amendment
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#### V. INVESTIGATION

##### a. Digital Evidence

##### *Body-Worn Camera (“BWC”)*

COPA reviewed BWC footage captured by eleven CPD members who responded to the incident,<sup>1</sup> including footage captured by Officer Turner and P.O. Daniel McNicholas. The footage depicts CPD members struggle with ██████ on the front porch of a single-family home as ██████ resists their efforts to place him in handcuffs. The footage then shows ██████ kicking and struggling against the CPD’s efforts to walk him from the porch toward the street, followed by CPD members placing ██████ in leg shackles and forcing ██████ into a sitting position in the street adjacent to a curb. As CPD members await the arrival of a transport vehicle, the footage shows ██████ continuing to struggle, attempting to stand even though he is in leg shackles and notwithstanding that CPD members are holding him down. The footage then shows ██████ strike his head twice against the wheel well of a parked car in an apparent attempt to injure himself. The footage then shows Officer Turner pull ██████ away from that car, apparently to keep ██████ from striking the car with his head. The footage then depicts ██████ briefly discontinue his resistance as he sits in the street. Officer Turner and two other CPD members are then shown crouching above ██████ holding him down. CPD Sgt. Tracy Quarles is then also shown to be standing above ██████ armed with a rifle strapped to his shoulder. Four other CPD members are shown to be standing within close proximity.

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<sup>1</sup>That footage is contained within Attachments 19 and 31. The incident arose out of a call for assistance made by the CPD’s Fugitive Apprehension Team, which had gone to the scene with Illinois Department of Corrections personnel to arrest ██████ upon a parole violation warrant. See Attachment 5 (the Arrest Report relating to the incident) and Attachment 43 (Statement of P.O. Turner), p. 15, line 3, through p. 18, line 6.

The footage then depicts ██████ appear to resume his struggle, apparently attempting to get on his feet notwithstanding that he is being held down by CPD members. The video then shows Officer Turner take hold of ██████ neck (see Figure 1 below.) and head and force ██████ head to the ground. (See Figure 2.) The footage then appears to depict Officer Turner using one of his forearms to apply downward pressure to ██████ neck and head. As he does so, Officer Turner’s head appears to be nearly touching ██████ head. Approximately six seconds after Officer Turner is first shown forcing ██████ head to the ground, the footage depicts Sgt. Quarles and another CPD member lean over. (Figure 3.) Sgt. Quarles then grasps one of Officer Turner’s arms, stating, “Alright, let him lay down,” “let’s see if he’s going to comply,” and “ease up, let’s see if he’s going to comply.” The footage then shows Officer Turner releasing his hold of ██████ approximately ten seconds after first forcing ██████ head to the ground. (Figure 4.) ██████ can then be heard shouting, apparently to Sgt. Quarles, “you going to let him do that to me?” ██████ then discontinues his resistance. Several minutes later, ██████ is removed from the scene to an arriving transport vehicle.



Figure 1



Figure 2



Figure 3



Figure 4

**b. Interviews*****Sgt. Tract Quarles***

Sgt. Quarles gave an audio recorded statement on November 16, 2018.<sup>2</sup> During his statement, Sgt. Quarles told COPA investigators that Lt. Mullenix directed him to notify COPA concerning Officer Turner's use of force on the day of the incident after he, Lt. Mullenix, and Officer Turner had reviewed BWC footage relating to the incident at the 007<sup>th</sup> District Station.<sup>3</sup> Sgt. Quarles further stated that he was satisfied with Officer Turner's compliance with directions at the incident scene.<sup>4</sup> Sgt. Quarles stated that from where he was standing, he could not see whether Officer Turner applied direct pressure to ██████ throat or neck.<sup>5</sup> However, Sgt. Quarles also stated that he did not believe that Officer Turner applied such direct pressure, because he (Sgt. Quarles) did not hear ██████ gasping for air and because he did not observe ██████ make any other response that he would have expected to observe if direct pressure to the throat or neck had been applied.<sup>6</sup> Sgt. Quarles also stated that he thought Officer Turner's reason for holding ██████ to the ground was to prevent ██████ from injuring himself.<sup>7</sup> Sgt. Quarles concluded his statement by asserting that he believed that Officer Turner acted in good faith in a manner to preserve and protect ██████ life and safety.<sup>8</sup>

***Officer Andrew Turner***

Officer Turner gave an audio recorded statement on November 29, 2018.<sup>9</sup> Immediately prior to giving his statement, Officer Turner viewed BWC footage depicting the incident. During his statement, Officer Turner told COPA investigators that he had never met ██████ prior to the incident, that he had no prior familiarity with ██████ and that he knew nothing about ██████ crimes at the time.<sup>10</sup> Officer Turner further stated that he came to the scene after hearing a call for help via radio indicating that the CPD Fugitive Apprehension team and the IDOC Fugitive Apprehension team were in a foot pursuit.<sup>11</sup>

Officer Turner stated that ██████ had tried to reverse head butt him just prior to the moment that he took hold of ██████ head and neck, he stated that ██████ attacking maneuver is depicted by BWC footage, pointing to footage that apparently shows ██████ trying to get upright notwithstanding that he is being held down by CPD members.<sup>12</sup> Officer Turner stated that the reason he held ██████ head down for as long as he did was that he was waiting for ██████ to

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<sup>2</sup> Attachments 28 and 29 comprise an audio recording of that statement. Attachment 42 is a transcript.

<sup>3</sup> Attachment 42, p. 11, line 10, through p. 14, line 5.

<sup>4</sup> *Id.*, p. 33, line 22, through p. 35, line 2.

<sup>5</sup> *Id.*, p. 36, lines 1 – 12.

<sup>6</sup> *Id.*, p. 36, line 1, through p. 37, line 14.

<sup>7</sup> *Id.*, p. 3, line 15, through p. 38, line 11.

<sup>8</sup> *Id.*, p. 49, line 15, through p. 49, line 19.

<sup>9</sup> Attachments 37 and 38 comprise an audio recording of that statement. Attachment 43 is a transcript.

<sup>10</sup> Attachment 43, p. 13, line 16, through p. 15, line 2.

<sup>11</sup> *Id.*, p. 15, line 7, through p. 16, line 22.

<sup>12</sup> *Id.*, p. 43, line 23, through p. 47, line 6.

stop resisting and to stop using his head as a weapon.<sup>13</sup> Officer Turner acknowledged that it was possible that he unintentionally applied pressure that restricted blood flow to ██████ brain as he held ██████ head down.<sup>14</sup> Officer Turner also acknowledged that BWC footage appeared to show that he had applied downward pressure to ██████ above ██████ neck line for approximately nine or ten seconds.<sup>15</sup> Officer Turner stated that he did not believe that ██████ had lost consciousness at any time during the incident because he never felt ██████ stop moving, further stating that if ██████ had stopped struggling then he would have discontinued applying pressure immediately.<sup>16</sup> Officer Turner concluded his statement by saying that he did not intend to put unnecessary force on ██████ neck or throat area, and further saying that he apologizes if he did so, that it was never intended, and that, at the time, he was just using force necessary to control the situation.<sup>17</sup>

## VI. ANALYSIS

The evidence supports the allegation of misconduct against Officer Turner, which is that he used excessive force in restraining ██████ in violation of Rules 1, 6, 8, 9 of the CPD Rules of Conduct.

Whether a given use of force by a CPD member was excessive and therefore violative of CPD depends upon whether that use of force was objectively reasonable. Objective reasonableness is determined from the perspective of a reasonable law enforcement officer in the same situation, based on the totality of the circumstances, and allowing for the fact that law enforcement officers are often forced to make split-second judgments -- in circumstances that are tense, uncertain, and rapidly evolving -- about the amount of force that is necessary in a particular situation.<sup>18</sup> Factors to be considered include, but are not limited to whether the subject is posing an imminent threat to the officer or others and whether he is actively resisting arrest or attempting to evade arrest by flight.<sup>19</sup>

BWC footage shows that ██████ was struggling to get on his feet immediately prior to the moment that Officer Turner forced ██████ head to the ground. And though that footage does not conclusively show that ██████ was in fact attempting to strike Officer Turner with his head at the time, the footage does not negate that possibility. COPA can therefore credit Officer Turner's stated belief that ██████ had attempted to attack him with his head. However, such a belief would have only justified an amount of force necessary to defend against such an attack. Such a belief does not justify Officer Turner's subsequent employment of ten seconds downward pressure to ██████ neck and head, as his head was against the street. BWC footage shows that ██████ then posed no danger of escape and little or no imminent threat to Officer Turner: ██████ was handcuffed, leg-shackled, and seated.

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<sup>13</sup>*Id.*, p. 58, line 24, through p. 59, line 24.

<sup>14</sup>*Id.*, p. 48, line 13, through p. 49, line 20.

<sup>15</sup>*Id.*, p. 51, lines 12 – 20.

<sup>16</sup>*Id.*, p. 51, line 21, through p. 52, line 20.

<sup>17</sup>*Id.*, p. 65, line 6, through p. 65, line 12.

<sup>18</sup>*Id.*, 490 U.S. at 396-97.

<sup>19</sup>*Id.*, 490 U.S. at 396.

Based on the above, COPA has determined that Officer Turner’s actions in applying downward pressure to ████████ neck and head for approximately ten seconds were not objectively reasonable, thereby constituting violations of CPD’s use-of-force directives then in effect, which prohibited any use of force that was not objectively reasonable, necessary, or proportional to the threat, actions, and level of resistance offered by a subject.<sup>20</sup>

Accordingly, the subject allegation against Officer Turner is **SUSTAINED**.

**VII. RECOMMENDATIONS**

**a. Officer Andrew Turner**

**Complimentary and Disciplinary History:** Problem Solving Award, 1; Emblem of Recognition – Physical Fitness, 4; Presidential Election Deployment Award 2008, 1; Attendance Recognition Award, 3; Special Commendation, 1; Department Commendation, 7; Honorable Mention, 70; 2019 Crime Reduction Award, 1; Complimentary Letter, 7; Honorable Mention Ribbon Award, 1; NATO Summit Service Award, 1; Life Saving Award, 1; Superintendent’s Award of Tactical Excellence, 1; 2009 Crime Reduction Award, 1; Unit Meritorious Performance Award, 1. No applicable disciplinary history within the past 5 years.

**i. Recommended Penalty, by Allegation**

**Allegation No. 1:** Used excessive force in restraining the Compliant after he had been placed under arrest Penalty: 30-Day Suspension. This case began as an Initiation Report from the Department’s Force Review Unit. Officer Turner’s use of force clearly violated Department policy and due to the nature of the force used, COPA recommends a substantial amount of discipline. In mitigation, COPA recognizes both Officer Turner’s complimentary history, as well as the fact that the use of force was not prolonged. Furthermore, when a supervisor intervened, Officer Turner ceased his actions.

**VIII. CONCLUSION**

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

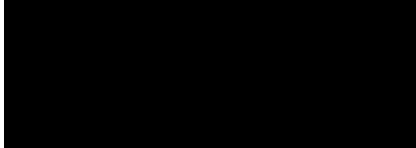
Member	Allegation	Finding/
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<sup>20</sup>CPD General Order G03-02 *Use of Force* (effective October 16, 2017), Section III.B; CPD General Order G03-02-01 *Force Options* (effective October 16, 2017). The directives also prohibit the use of chokeholds except where the use of deadly force would be authorized, defining “chokehold” as the application of “direct pressure to a person’s trachea (windpipe) or airway (the front of the neck) with the intention of reducing the intake of air. See G03-02 at Section III.C.1(d); G03-02-01 at Section IV.C.2(c). General Order G03-02-01 similarly prohibits the employment of force techniques that restrict blood flow to carotid arteries, thereby causing a subject to lose oxygen to the brain. See G03-02-01 at Section IV.C.2(c).

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		Recommendation
Officer Turner	1. On September 7, 2018, at approximately 11:40 a.m., at or near 6439 S. Carpenter Street, Chicago, Illinois, you used excessive force in restraining the Compliant after he had been placed under arrest.	SUSTAINED /30-Day Suspension

Approved:



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Andrea Kersten  
*Deputy Chief Administrator – Chief Investigator*

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Date: March 26, 2020

**Appendix A**

Assigned Investigative Staff

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<b>Squad#:</b>	Squad 3
<b>Investigator:</b>	Tighe
<b>Supervising Investigator:</b>	Haynam
<b>Deputy Chief Administrator:</b>	Kersten