

SUMMARY REPORT OF INVESTIGATION

I. EXECUTIVE SUMMARY

Date of Incident:	January 22, 2019
Time of Incident:	1:30pm
Location of Incident:	████████████████████
Date of COPA Notification:	March 25, 2019
Time of COPA Notification:	9:42 am

On January 22, 2019, District 1062 tactical team conducted a narcotics surveillance mission of a known narcotics location. Surveillance officers observed ██████████ (██████████) standing on the sidewalk near 3906 W. Roosevelt soliciting the unlawful sale of heroin. Officers ended their surveillance operation but were unable to initially locate ██████████. Officers returned to regular patrol and began touring the area when they located ██████████ in the front gangway of 1219 S. Springfield. Officer Stec exited his unmarked vehicle and observed ██████████ manipulating a small pink item inside his left hand. Officer Stec and other assisting officers attempted to gain control of ██████████ left hand, but their attempts were unsuccessful. ██████████ disregarded verbal commands and stiffened his body. Officers attempted to use a wristlock and armbar, both of which were ineffective. ██████████ continued to resist and disobey officers' orders. Officer Stec issued six strikes to ██████████ back area. Officers were finally able to get ██████████ under control and he was transported to the 10th District for further processing.

II. INVOLVED PARTIES

Involved Officer #1:	Ryan Stec, Star# 8651, Employee# ██████████, DOA: February 23, 2015, Police Officer, 016, DOB: ██████████, 1991, Male, White
Involved Individual #1:	████████████████████, 1986, Male, Black

III. ALLEGATIONS

Officer	Allegation	Finding / Recommendation
Officer Ryan Stec	1. On or about January 22, 2019 at approximately 1:30p.m. in the vicinity of ██████████ you used excessive force on ██████████ by striking him on or about the back area	Sustained / 5 Day Suspension

	<p>with your hand without justification, in violation of Rules 6 and 8.</p> <p>2. You failed to accurately complete your TRR for the incident involving ██████████ on or about January 22, 2019 at approximately 1:30p.m. in the vicinity of ██████████ ██████████ in violation of Rules 6 and 10.</p>	<p>Sustained / 5 Day Suspension</p>
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IV. APPLICABLE RULES AND LAWS

Rules

1. Rule 6 - Disobedience of an order or directive, whether written or oral.
2. Rule 8 - Disrespect to or maltreatment of any person, while on or off duty.
3. Rule 10 - Inattention to duty.

General Orders

1. G03-02 – Use of Force (effective 10/16/17 – 2/28/20).
2. G03-02-01 – Force Options (effective 10/16/17 – 2/28/20).
3. G03-02-02 – Incidents Requiring the Completion of a Tactical Response Report (effective 10/16/17 – 2/28/20).

V. INVESTIGATION¹

a. Interviews

Officer Stec was interviewed by COPA on August 1, 2019 at COPA offices. On the date of the incident, Officer Stec was working in the 10th District conducting a narcotics surveillance. Officer Stec was driving an unmarked vehicle and in civilian dress. Officer Stec was partnered with Sergeant Peter Chambers on the day of the incident. Officer Stec encountered ██████████ outside a residence at ██████████ Officer Stec approached ██████████ to place him into custody for soliciting unlawful business earlier in the day. As Officer Stec approached ██████████ he observed ██████████ make a fist and put his hand down his pants. He saw a pink bag inside ██████████ hand. Officer Stec attempted to gain control of ██████████ but was unsuccessful. Officer Stec gave ██████████ verbal commands to stop resisting and to give the officers

¹ COPA conducted a thorough and complete investigation. The following is a summary of the material evidence gathered and relied upon in our analysis.

his hands, but ██████ ignored the verbal commands. Officer Stec then attempted to use escort holds and wristlocks to gain control of ██████ hands. Assisting officers arrived on scene and also attempting to gain control of ██████ hands, but ██████ kept making a clenched fist to withhold the evidence from the officers.

Eventually Officer Stec and ██████ ended up on the ground. According to Officer Stec, ██████ was still refusing to give his hand to the officers and open his fist. Officer Stec delivered four diffused pressure strikes to the fatty part of ██████ back. Officer Stec believed ██████ was under the influence of PCP based on the amount of strength he had to hold off four officers. Officer Stec described diffused pressure strikes as using the fattier portion of your hand to deliver a strike. According to Officer Stec, he did not use a closed fist because the officers were working in close proximity to each other and he did not want to cause further damage and his hands were cold and bleeding from earlier and he did not want to break his fingers. Officer Stec kept an open hand² as much as possible and struck ██████ four times with the fatty part of his hand. Officer Stec used two additional diffused pressure strikes³ on ██████ after he still could not get ██████ to comply. Officer Stec described ██████ as an active resister during the incident. According to Officer Stec, ██████ stiffened his body, pulled away, disregarded verbal commands and would not allow officers to place him into handcuffs.

Officer Stec completed a tactical response report regarding the incident with ██████. Officer Stec listed that he used open-hand strikes on ██████. When asked why he checked that particular box, Officer Stec stated that the strikes he delivered would have been considered an open-hand strike based on all the options. Officer Stec stated that he was not directly punching ██████ with his knuckles nor was he using a direct mechanical strike. According to Officer Stec, part of his hand was closed because he felt that was the best option given the close proximity he was working in and the inclement weather.⁴

b. Digital Evidence

POD video depicts officers arriving at ██████ at 05:33. Two officers run up to ██████ and appear to grab him. Seconds later, an unmarked vehicle pulls into frame and two additional officers exit the vehicle and run up to ██████. Officers appear to struggle with ██████ and the officer fall to the ground and still appear to be struggling with ██████ while on the ground. Officer Stec issues what appears to be four punches to ██████ back area at 07:53. He issues what appears to be two more punches to ██████ back area at 08:38. Officers continue to struggle with ██████ on the ground. More officers arrive on scene to assist with placing ██████ into custody. ██████ is placed into handcuffed and picked up off the ground. Eventually ██████ is placed inside a marked squad vehicle.⁵

² Officer Stec demonstrated how he struck ██████ during the interview. Officer Stec's four fingers were bent down toward his palm but did not cover the entire palm. His thumb was next to his first finger. The bottom part of the palm was exposed and Officer Stec testified that he hit ██████ with that bottom exposed part of his palm.

³ Officer Stec also demonstrated the additional strikes he used during the interview. Officer Stec's four fingers were bent down toward his palm with his thumb next to his finger like they were prior. However, Officer Stec used the side of his hand in a chopping motion to issue the strikes.

⁴ Atts. 34, 36

⁵ Att. 37.

Body-worn camera⁶ footage from Officer Phillip's camera depict Officer Phillip and his partner arriving to the address of [REDACTED]. Officer Stec and Sergeant Chambers are already on scene struggling with [REDACTED] the officers and the sergeant all end up on the ground. While on the ground, [REDACTED] and the officers are still struggling. Officer Stec can be heard telling [REDACTED] that he is going to hit him. Officer Stec issues what appears to be four closed palm strikes to [REDACTED] back area at 1:33pm. Officer Stec asks [REDACTED] to open his hand and then tells him that he is going to hit him again. Officer Stec appears to strike [REDACTED] an additional two times at 1:34pm. Officers finally get [REDACTED] handcuffed. Officers stand [REDACTED] up and he is placed inside a marked squad car.⁷

c. Documentary Evidence

Original Case Incident Report (JC125586) and Arrest Report for [REDACTED] documents that officers were conducting a narcotics surveillance when they observed [REDACTED] standing on the sidewalk soliciting the unlawful sale of heroin. Officers ended their surveillance operation but were unable to locate [REDACTED]. Officers returned to regular patrol and began touring the area when they located [REDACTED] in front of a gangway at 1219 S. Springfield Ave. Officer Stec exited his vehicle and observed [REDACTED] manipulating a small pink item inside his left hand. [REDACTED] then clenched his fist to conceal the item and then shoved his left hand inside his pants upon Officer Stec's approach. Officer Stec attempted to gain control of [REDACTED] left hand to prevent the destruction of the evidence. [REDACTED] disregarded verbal commands, stiffened his body and tried to pull away attempting to defeat arrest. Officer Stec attempted to gain control of [REDACTED] left hand by using a wristlock and armbar, both of which were ineffective. Officers Martinez and Phillip converged on scene and attempted to assist in placing [REDACTED] into custody with negative effect. Officer Stec was able to hold onto [REDACTED] left hand until Sgt. Chambers was able to take control of [REDACTED] left hand. Officer Stec applied several pressure strikes to [REDACTED]. Sgt. Chambers was then able to pry [REDACTED] hand open and he recovered one pink tinted baggie containing a white powdery substance suspect heroin.⁸

A Tactical Response Report (TRR) completed by Officer Stec documents the incident that occurred on January 22, 2019. According to the report, [REDACTED] did not follow verbal direction, pulled away and stiffened. Member's response is listed as member presence, tactical positioning, verbal direction/control techniques, open hand strike, escort holds, wristlock, armbar, emergency handcuffing and additional unit members. The narrative documents that [REDACTED] clenched his fist and refused lawful orders. Officer Stec attempted to gain control of [REDACTED] left hand, where the suspect narcotics were observed, he attempted to use a wristlock and armbar; both of which were ineffective. Additional officers arrived on the scene with negative effect on mitigating the incident. [REDACTED] then pulled himself to the ground in further effort to destroy evidence and defeat arrest. While assisting officers attempted to retrieve the evidence and place [REDACTED] in custody, [REDACTED] continued to resist by stiffening his body, arms and refusing lawful orders. Officer Stec advised [REDACTED] that he was going to strike him if he did not stop resisting. [REDACTED] continued his resistance

⁶ There is more officer body-worn camera footage from the incident, however that footage does not reveal anything more than what's described above.

⁷ Att. 19.

⁸ Atts. 1, 2.

and Officer Stec issued four strikes to [REDACTED] large muscle group in his back. [REDACTED] continued to resist and Officer Stec issued two additional palm strikes to [REDACTED] back.⁹

VI. ANALYSIS

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.

Officer Stec

1. On or about January 22, 2019 at approximately 1:30p.m. in the vicinity of [REDACTED] [REDACTED] you used excessive force on [REDACTED] by striking him on or about the back area with your hand without justification.

COPA finds that this allegation is **Sustained**. General Order 03-02-01 pertains to force options. The general order outlines the various force options and the circumstances in which the force options can be used. Department members' use of force must be objectively reasonable, necessary under the circumstances, and proportional to the threat, actions, and level of resistance offered by the subject. The level of force allowed is further divided into categories, cooperative

⁹ Att. 18.

subject, resister and assailant. The category of resister is further sub-divided into passive resister and active resister. An active resister is defined a person who attempts to create distance between himself or herself and the member's reach with the intent to avoid physical control and or defeat the arrest. The following force options are authorized when dealing with an active resister; police presence, verbal response, holding techniques, compliance techniques, control instruments, oleoresin capsicum (OC) spray, stunning, takedown, canines used by canine handlers and tasers. An assailant is defined as a subject who is using or threatening the use of force against another person or himself/herself which is likely to cause physical injury. Direct mechanical technique is one technique that is approved for use when dealing with assailant. Direct mechanical technique is defined as forceful, concentrated striking movements such as punching and kicking, or focused pressure strikes and pressures.

Officer Stec described ██████ as being an active resister during their encounter on January 22, 2019. According to Officer Stec, he used diffused pressure strikes to gain compliance from ██████. Officer Stec described diffused pressure strikes as using the fattier portion of your hand to deliver a strike. Officer Stec used six total diffused pressure strikes on ██████. However, after reviewing POD video footage and body-worn camera footage from the date of the encounter, COPA finds that Officer Stec used direct mechanical strikes/punches to gain compliance from ██████. While direct mechanical strikes are an allowable tactic to use, this tactic is only used when the subject is classified as an assailant. ██████ action during the encounter with Officer Stec never rose to the assailant level. As such, COPA finds by a preponderance of the evidence that this allegation is **Sustained**.

2. You failed to accurately complete your TRR for the incident involving ██████ on or about January 22, 2019 at approximately 1:30p.m. in the vicinity of ██████

COPA finds that this allegation is **Sustained**. General Order 03-02 pertains to use of force. The general order deals with sworn members of force and their duty to report. Section (V)(E) of the order deals with accuracy and candor.¹⁰ According to the general order, Department members will be responsible at all times for truthfully and completely describing the facts and circumstances concerning any incident involving the use of force by department members.

Officer Stec completed a TRR for the incident involving ██████. On the TRR, Officer Stec indicated that he used an open-hand strike. The box for closed hand strike/punch is left unchecked. In the narrative of the report Officer Stec described the force he used as palm strikes. During his interview, Officer Stec stated that his hands were not completely open due to his hands being cold due to the weather and the fact that officers were working in close proximity to each other. Officer Stec stated that he checked the open-hand box on his TRR because it was the best option out of all the other options to describe what action he performed. Officer Stec stated that he was not directly punching ██████ with his knuckles nor was he using a mechanical strike. However, after reviewing POD video footage and body-worn camera footage from the date of the encounter, COPA finds that Officer Stec used direct mechanical strikes/punches to gain

¹⁰ G03-02-02(IV)(B), requiring the completion of a TRR, also requires the Department member to review the report for "completeness and accuracy."

compliance from [REDACTED] and therefore he should have checked that box on his TRR. COPA finds that this allegation is **Sustained**.

VII. RECOMMENDED DISCIPLINE FOR SUSTAINED ALLEGATIONS

a. Officer Stec

i. Complimentary and Disciplinary History

Officer Stec has received a total of 135 awards. He has received one reward for attendance, one for physical fitness, one honorable mention ribbon award, one special commendation and one top gun arrest award. Officer Stec has seven department commendations and two police officer of the month awards. Lastly, Officer Stec has received one hundred and twenty-one honorable mentions. Officer Stec has zero sustained complaints and zero spars at the time of the writing of this report.

ii. Recommended Penalty, by Allegation

1. **Allegation No. 1** – COPA recommends a 5-day suspension. It is clear from the video that Officer Stec used several direct mechanical strikes against Mr. [REDACTED] at a time when Mr. [REDACTED] was not acting as an assailant. COPA considers Officer Stec’s complimentary history and lack of disciplinary history in mitigation.
2. **Allegation No. 2** – COPA recommends a 5-day suspension. The seriousness of Officer Stec’s actions, make his failure to accurately document it more problematic. COPA considers Officer Stec’s complimentary history and lack of disciplinary history in mitigation.

VIII. CONCLUSION

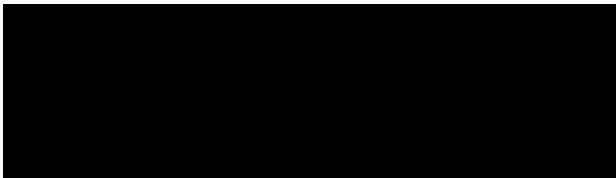
Based on the analysis set forth above, COPA makes the following findings:

Officer	Allegation	Finding / Recommendation
Officer Ryan Stec	1. On or about January 22, 2019 at approximately 1:30p.m. in the vicinity of [REDACTED] you used excessive force on [REDACTED] by striking him on or about the back area with you hand without justification, in violation of Rules 6 and 8.	Sustained / 5 Day Suspension

2. You failed to accurately complete your TRR for the incident involving [REDACTED] on or about January 22, 2019 at approximately 1:30p.m. in the vicinity of [REDACTED] [REDACTED] in violation of Rules 6 and 10.

Sustained / 5 Day Suspension

Approved:



4-22-2020

Angela Hearts-Glass
Deputy Chief Administrator – Chief Investigator

Date

Appendix A

Assigned Investigative Staff

Squad#:	15
Investigator:	Chenese Brown
Supervising Investigator:	Erica Sangster
Deputy Chief Administrator:	Angela Hearts-Glass