

SUMMARY REPORT OF INVESTIGATION

Date/Time/Location of Incident:	May 31, 2021 / 2:25 PM / 1588 N Damon Ave
Date/Time of COPA Notification:	May 31, 2021/ 7:27 PM
Accused Officer #1:	Vicente Diaz, Star# 4599, Employee# [REDACTED], DOA: October 29, 2007, PO, Unit: 014, DOB: [REDACTED], 1982, Male, Hispanic
Accused Officer #2:	Luis Reyes, Star# 15014, Employee# [REDACTED], DOA: September 29, 2003, PO, Unit: 014, DOB: [REDACTED], 1967, Male, Hispanic
Witness Officer #1:	Michelle Hammermeister, Star# 17813, Employee# [REDACTED], DOA: April 26, 2016, PO, Unit: 014, DOB: [REDACTED], 1993, Female, White
Witness Officer #2:	Agnieszka Szarek, Star# 18314, Employee# [REDACTED], DOA: October 31, 2016, PO, Unit: 014, DOB: [REDACTED], 1980, Female, White
Involved Individual #1:	[REDACTED] DOB: [REDACTED], 1998, Male, Black
Case Type:	Excessive Force

I. ALLEGATIONS

Officer	Allegation	Finding
Officer Vicente Diaz	1. Using excessive force in the form of a chokehold on [REDACTED]	Exonerated
Officer Luis Reyes	1. Using excessive force in the form of a chokehold on [REDACTED]	Exonerated

II. SUMMARY OF EVIDENCE

COPA obtained documentary evidence for this incident that includes the arrest report, case report, supplemental reports, and tactical response reports. COPA was also able to obtain body-worn camera footage from several officers involved including the accused as well as POD footage from the CTA platform. COPA also conducted interviews with four involved officers including the accused officers along with two witness officers.

The case report and arrest report both describe the police call being for a man on the CTA platform with a large blade in his possession. Officer Adam Jaurigue (arresting officer) was the initial officer to encounter Mr. [REDACTED] and request that he remove what was discovered to be a large axe from the back of his hoodie.¹ Mr. [REDACTED] complies but becomes increasingly agitated and aggressive as more officers arrive to assist Officer Jaurigue. Mr. [REDACTED] eventually assaults Officer Jaurigue and is quickly placed in custody by assisting officers on scene. Following Mr. [REDACTED] being handcuffed, he becomes more aggressive, kicking two officers² and then being subdued with an emergency takedown until a transport vehicle could arrive.

Tactical Response Reports (TRRs) were filed by several involved officers including Officer Vincente Diaz, Officer Luis Reyes, and Officer Michelle Hammermeister for their emergency takedown of Mr. [REDACTED]. The TRRs obtained relate much of the same information as what was reported in the case and arrest report with the exception of Officer Diaz's TRR. Officer Diaz notes that, while effecting the emergency takedown of Mr. [REDACTED] his hand briefly moves toward the chin/neck area of Mr. [REDACTED] but is then quickly moved away while his forearm is then pressed onto Mr. [REDACTED] cheek. Officer Diaz notes in his TRR that the reason for pressing his forearm onto Mr. [REDACTED] cheek was due to Mr. [REDACTED] continuously thrashing his body and attempting to spit on officers.

Reporting CPD detectives conducted interviews of the involved officers and took their statements along with reviewing available body-worn footage. Their findings were documented in supplemental reports. These supplemental reports relate the same information as provided in the involved officers' various reports.

Body-worn footage and POD confirms that Mr. [REDACTED] did indeed have an axe while on the CTA platform, along with several civilians awaiting the CTA train. Mr. [REDACTED] initiated a confrontation with Officer Jaurigue by slapping his hand away twice, approaching him aggressively, then going chest to chest with Officer Jaurigue³. Body-worn also confirms that Mr. [REDACTED] assaulted Officer Hammermeister and Officer Reyes with kicks.⁴ Both body-worn footage and POD confirm that Officer Diaz did briefly have his hand on the neck/chin area of Mr. [REDACTED] while trying to gain control of Mr. [REDACTED] during the emergency takedown. Upon review of the body-worn footage entry of Officer Szarek, it appeared as though Officer Reyes' hands were also briefly near the chest/neck area of Mr. [REDACTED] while performing the emergency takedown.⁵

III. ANALYSIS AND CONCLUSION

For the allegation of excessive force by **Officer Diaz and Officer Reyes**, COPA finds both officers Exonerated. Upon review of the available evidence, the force used by both officers to maintain control of Mr. [REDACTED] did not appear to be disproportionate or unreasonable for the circumstances. Body-worn and POD footage show Mr. [REDACTED] becoming aggressive and

¹ Att. 10 at 14:28:05

² Officer Hammermeister and Officer Reyes were the two officers kicked by Mr. [REDACTED] prior to the emergency take down.

³ Att. 10 at 14:28:37

⁴ Att. 10 at 14:29:38

⁵ Att. 12 at 14:30:37

assaulting officers on scene going so far as to kick Officer Hammermeister toward the CTA tracks. Officer Diaz detailed in his TRR the inadvertent placement of his hand on Mr. [REDACTED] neck/chin area prior to moving it and pressing his forearm on the cheek of Mr. [REDACTED]

Officer Diaz was asked about this as well during his interview with COPA⁶. Officer Diaz explained that once Mr. [REDACTED] kicked his fellow officers, he was fearful that he could injure more officers given they were so close to the CTA tracks, and he was only attempting to gain control of Mr. [REDACTED] with several assisting officers. Because the scene was so chaotic and so many hands were trying to control Mr. [REDACTED] Officer Diaz explained that his hands reaching Mr. [REDACTED] chin/neck area was completely accidental but documented it anyways in his TRR. Officer Diaz also explained that Mr. [REDACTED] was screaming so loud that saliva was flying from his mouth and due to the Covid-19 pandemic, he felt it safest to press Mr. [REDACTED] head away from him with his forearm until they could procure a mask to cover Mr. [REDACTED] mouth.

Officer Reyes was also asked about his use of force due to Officer Hammermeister's body-worn footage showing his hands grabbing Mr. [REDACTED] chest/neck area during the emergency takedown of Mr. [REDACTED]. During his interview, Officer Reyes was asked about his hand placement on Mr. [REDACTED] Officer Reyes explained that once he and Officer Hammermeister were both kicked, officers on scene were rushing to gain control of Mr. [REDACTED] Officer Reyes explained that when he rushed to grab Mr. [REDACTED] he grabbed his hoodie up high near the shoulders and chest, not his neck. Once Mr. [REDACTED] was down, Officer Reyes placed his forearm on Mr. [REDACTED] chest to help keep his movements controlled. Officer Reyes also described the scene as momentarily chaotic and that he was fearful that his fellow officers could be injured being so close to the CTA tracks if Mr. [REDACTED] was not quickly subdued.

Based on COPA's investigation, it did not appear that Officer Diaz was attempting to choke Mr. [REDACTED] Rather, Mr. [REDACTED] was actively resisting arrest so emphatically that Officer Diaz was only trying to gain control with other officers when his hand inadvertently placed his hand on Mr. [REDACTED] neck. As Mr. [REDACTED] was taken down, Officer Diaz immediately adjusted the placement of his hand and pressed his forearm on the cheek of Mr. [REDACTED] turning his head away from the officers he was spitting at.

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⁶ Officer Diaz was interviewed by COPA on November 15, 2021.

⁷ Officer Reyes was interviewed by COPA on December 17, 2021

Approved



6/28/2023

Matthew Haynam
Deputy Chief Administrator

Date :