

SUMMARY REPORT OF INVESTIGATION

I. EXECUTIVE SUMMARY

Date / Time / Location of Incident #1:	June 29, 2018 / 5:02 pm / 124 W. 95 <sup>th</sup> St., Chicago, IL 60628.
Date / Time / Location of Incident #2:	June 29, 2018 / Unknown / 727 E. 111 <sup>th</sup> St., Chicago, IL 60628 (005th District Station) .
Date / Time / Location of Incident #3:	June 29, 2018 / Unknown / Unknown.
Date of COPA Notification:	July 2, 2018
Time of COPA Notification:	2:01 PM

On June 29, 2018, at approximately 2:01 PM, Officers Matthew Parisi, Thomas Fennell and Brandon Kirby (collectively “The Officers”) observed ██████ standing in the vicinity of 124 W. 95th Street, selling cigarettes. The Officers exited their assigned vehicle to conduct a field interview with ██████. After a brief field interview, the Officers made the decision to arrest ██████. While waiting for a transport vehicle, ██████ and Officer Parisi verbally abused each other. During the verbal exchange, ██████ and Officer Parisi were standing near each other when ██████ turned towards Officer Parisi. Officer Parisi stated words to the effect of, “Don’t square up with me” and punched ██████ on his chest, causing ██████ to fall to the ground. ██████ did not sustain nor complain of injuries. While at the 005th District Station, Officer Parisi continued hurling insults and threats at ██████. Additionally, ██████ requested a supervisor, which Officer Parisi attempted to dissuade him from. Once Officer Parisi requested a supervisor, ██████ informed Sgt. Jose Carreno Officer that Parisi punched him. Sgt. Carreno took no further action.

II. INVOLVED PARTIES

Involved Member #1:	Sergeant Jesse Carreno / Star#: 2091 / Employee ID#: ██████ / DOA: December 18, 2006 / Unit: 025 / Male / Hispanic.
Involved Member #2:	Officer Matthew Parisi / Star#: 9649 / Employee ID#: ██████; DOA: October 5, 2012; Unit: 005; Male, White.
Involved Member #3:	Officer Thomas Fennell, #15220; Employee ID#: ██████; Date of Appointment: October 31, 2012; Police Officer; Unit of Assignment: 005; DOB: ██████, 1986; Male, White
Involved Member #4:	Officer Brandon Kirby / Star#: 13335 / Employee ID#: 110623 / DOA: February 19, 2013 / Unit: 005/606 / Male / White.

Involved Individual #1: ██████████ / Male / Black.

**III. ALLEGATIONS<sup>1</sup>**

<b>Member</b>	<b>Allegation</b>	<b>Finding</b>
<b>Incident #1</b>		
Officer Parisi	1. Used excessive force against ██████████	Sustained
	2. Struck ██████████ on or about the chest	Sustained
	3. Telling ██████████ he is “weak as a fucking female”	Sustained
	4. Telling ██████████ “You don’t have enough money to get a lawyer so shut the fuck up”	Sustained
	5. Calling ██████████ a “dummy” and an “idiot”	Sustained
	6. Pushed ██████████ into a police squad vehicle	Exonerated.
	7. Failed to use de-escalation techniques before using force against ██████████	Sustained
<b>Incident #2</b>		
Sgt. Carreno	1. Failed to conduct a comprehensive investigation after hearing allegations of misconduct	Sustained
Officer Parisi	8. Telling ██████████ words to the effect of, “It’s going to get really fucking ugly, it’s going to get really fucking ugly” in response to ██████████ requesting a supervisor.	Sustained
	9. Telling ██████████ words to the effect of, “You have nothing to live for, you’re a fucking loser, you got nothing, you probably live in a house with fucking cockroaches.	Sustained
	10. Telling ██████████ words to the effect of “Oh you live on the streets so what the fuck is that going to do for you – lets process this fucking shit and get out of here, unless you want to be a little bitch and ask for a white shirt”	Sustained

<sup>1</sup> ██████████ name is spelled incorrectly in the allegations.

	<p>11. Attempted to dissuade [REDACTED] from speaking with a supervisor</p> <p>12. Attempted to prevent [REDACTED] from reporting misconduct</p> <p>13. Failed to accurately describe the facts and circumstances concerning the use of force in Officer Parisi’s June 29, 2018 tactical response report.</p> <p>14. Failed to accurately describe the facts and circumstances concerning the use of force in the Original Case Incident Report regarding [REDACTED]</p>	<p>Sustained</p> <p>Sustained</p> <p>Sustained</p> <p>Sustained</p>
Officer Kirby	<p>1. Failed to report the use of excessive force</p> <p>2. Failed to report the use of excessive verbal abuse</p> <p>3. Failed to accurately describe the facts and circumstances concerning the use of force in the arrest report of [REDACTED]</p>	<p>Sustained</p> <p>Sustained</p> <p>Sustained</p>
Officer Fennell	<p>1. Failed to report the use of excessive force the occurred</p> <p>2. Failed to active his body worn camera</p>	<p>Sustained</p> <p>Sustained</p>
<b>Incident #3</b>		
Officer Parisi	<p>15. Willfully made a material false statement in his Tactical Response Report when he wrote “The offender yelled at P.O. Parisi *9649 saying, “I’m gonna make you suck my dick when these cuffs come off!” Offender approached A/O Parisi, placing officer in fear of receiving a battery, by suddenly and swiftly moving towards A/O. At which time A/O told offender to back up several tames and then A/O used a closed hand to the offenders chest/shoulder area to create space and prevent any bodily fluids from landing on A/O...”</p> <p>16. Willfully made a material false statement in his Original Case Incident Report when he wrote “...After being placed in custody offender approached P.O. Parisi *9649, chest to chest while yelling at P.O. and stated, “I’m gonna make you suck my dick when these cuffs come off!” A/O Parisi used a closed hand to offenders chest/shoulder area to create space and</p>	<p>Not Sustained.</p> <p>Not Sustained.</p>

| prevent any further bodily fluids from landing on |  
| A/O..." |

#### IV. INVESTIGATION

##### a. Interviews<sup>2</sup>

During his statement with COPA on **February 5, 2019**, **Officer Thomas Fennell**,<sup>3</sup> relayed that on June 29, 2018, he was assigned to the 005th District Tactical Team along with Officers Parisi and Kirby. Officer Fennell stated that he along with Officers Parisi and Kirby observed ██████ selling cigarettes. Officer Fennell related that he, Officer Kirby, and Officer Parisi exited their assigned vehicle and approached Mr. ██████ to conduct a field interview. Officer Fennell described ██████ as being extremely agitated, combative, and verbally abusive during the field interview.<sup>4</sup>

Officer Fennell related that after the field interview, ██████ was placed in custody and a custodial search of ██████ person was conducted. Officer Fennell explained that another vehicle was requested to transport ██████ to the 005th District Station for processing. Officer Fennell related that while waiting for a transport vehicle, ██████ squared up to Officer Parisi in a threatening manner and Officer Parisi shoved ██████ back to gain space. Officer Fennell denied observing Officer Parisi punch ██████. Officer Fennell stated that ██████ overly exaggerated after Officer Parisi shoved him, by purposely tripping and throwing his legs in the air.<sup>5</sup> Upon inquiry Officer Fennell described ██████ as an active resister and a low-level assailant based upon his actions towards Officer Parisi.<sup>6</sup>

Officer Fennell described the interaction between ██████ and Officer Parisi as hostile. Officer Fennell asserted that the Officers did report the force used to a sergeant and lieutenant.<sup>7</sup> Officer Fennell stated that Officer Parisi's action of creating space between himself and ██████ was reasonable.<sup>8</sup> Officer Fennell added that Officer Parisi's actions were documented in Department reports. Upon inquiry, Officer Fennell stated that he thought that he turned his body worn camera on during his interaction with ██████<sup>9</sup>

During his statement with COPA on **February 6, 2019**, **Officer Brandon Kirby**<sup>10</sup> stated that on June 29, 2018, he was working with Officers Fennell and Parisi when they observed ██████ selling cigarettes. Officer Kirby related that when he, Officers Fennell and Parisi

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<sup>2</sup> COPA requested a statement from ██████ on several occasions; however, he never responded. Att. 29.

<sup>3</sup> Atts. 17 and 21.

<sup>4</sup> Officer Fennell could not recall exactly what ██████ was saying but described it as disgusting, abusive, and very offensive. Att. 21, pg. 8.

<sup>5</sup> Att. 21, pgs. 11 and 12.

<sup>6</sup> Att. 21, pg. 8.

<sup>7</sup> Att. 21, pg. 18.

<sup>8</sup> Att. 21, pg. 22.

<sup>99</sup> Att. 21, pg. 19

<sup>10</sup> Atts. 16 and 23.

approached ██████ they placed him into custody and waited for a transport vehicle. Officer Kirby stated that a custodial search of ██████ person was conducted after ██████ was placed into custody.

Officer Kirby stated that while waiting for a transport vehicle, ██████ and Officer Parisi had an exchange of words. Officer Kirby added that during that time, Officer Parisi conducted a close-handed fist strike to ██████ chest to create distance between ██████ and Officer Parisi. Officer Kirby described ██████ as being verbally irate. Officer Kirby also described ██████ as being cooperative physically during the handcuffing process. Officer Kirby related that Officer Parisi stated that ██████ spat on him as he was talking to Officer Parisi. Officer Kirby did not believe that the spitting was intentional.<sup>11</sup> Officer Kirby stated that if someone is spitting on him, he believes that he would use force to create distance between himself and the individual.<sup>12</sup> Officer Kirby related that there was no reason for Officer Parisi to go back and forth with ██████ verbally.<sup>13</sup>

Officer Kirby stated that if ██████ was not talking or spitting on Officer Parisi when he turned in Officer Parisi's direction, then Officer Parisi striking ██████ was not reasonable. Officer Kirby denied committing the acts alleged against him. Officer Kirby stated that Officer Parisi's actions were documented in the Department reports.<sup>14</sup>

During his statement with COPA on **January 3, 2019, Officer Matthew Parisi**<sup>15</sup> stated that on June 29, 2018, he was working with Officers Kirby and Fennell when they observed ██████ selling cigarettes. The Officers detained ██████ which caused him to become irate and hurl foul language towards the Officers. Officer Parisi related that ██████ was then handcuffed.

Once ██████ was handcuffed he continued his irate behavior and stated words to the effect of, "When these handcuffs come off, I'm going to make you suck my dick."<sup>16</sup> Officer Parisi described ██████ as being confrontational and verbally abusive. Officer Parisi related that at one point, ██████ swiftly turned in his direction, placing him in fear of receiving a battery.<sup>17</sup> Officer Parisi stated that he struck ██████ with a closed hand on his shoulder/chest area to create distance. After reviewing the Body Worn Camera (BWC) of Officer Kirby, Officer Parisi stated that he could have explained ██████ actions differently in his Tactical Response Report (TRR).<sup>18</sup>

Officer Parisi stated that although ██████ was handcuffed, ██████ could have headbutted and/or kicked him. Therefore, Officer Parisi felt that he needed to create distance between himself

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<sup>11</sup> Officer Kirby explained that he believed the "spitting" was more likely spittle related to ██████ agitated state and a result of his verbal abuse. Att. 23, pg. 13.

<sup>12</sup> Att. 23, pg. 14.

<sup>13</sup> Officer Kirby characterized Officer Parisi's verbal interaction with ██████ as "egg[ing] him on." Att. 23, pg. 14.

<sup>14</sup> Officer Kirby explained that he did not witness the entire interaction and did not recall reviewing BWC prior to authoring the report and therefore likely based the narrative on information provided to him by Officers Parisi and Fennell. Att. 23, pgs. 20 and 21.

<sup>15</sup> Atts. 14, 15 and 20.

<sup>16</sup> Att. 20, pgs. 9 and 10.

<sup>17</sup> Officer Parisi explained that as ██████ was yelling, spittle was coming from his mouth. Att. 20 pgs. 10, 11 and 15.

<sup>18</sup> Officer Parisi explained that he did not review the BWC footage while authoring his reports. Att. 20, pgs.

and ██████<sup>19</sup> Officer Parisi stated that he could not step back and away from ██████ because Officer Parisi would have stepped back into oncoming traffic.<sup>20</sup> Officer Parisi stated that he did not intend to injure ██████ nor did he intend to cause ██████ to fall to the ground. Officer Parisi stated that there may have been other tactics that he could have used but did not.<sup>21</sup>

Officer Parisi stated that he did not believe that his actions were excessive at the time of the incident but did admit he could have used more time and distance to de-escalate the encounter.<sup>22</sup> Officer Parisi pushed ██████ inside the police vehicle, because ██████ refused to sit down in the police vehicle after being detained, handcuffed, and informed that he was being arrested. Officer Parisi denied attempting to dissuade ██████ from speaking with a supervisor and attempting to prevent ██████ from reporting misconduct. Officer Parisi related that when he stated words to the effect of, “It’s going to get ugly, going to get really fucking ugly,” he meant that the sergeant and/or lieutenant may add additional charges to ██████ arrest.<sup>23</sup>

Officer Parisi contended that he did not make any false statements on the Department reports. Officer Parisi admitted to using inappropriate language when speaking with ██████<sup>24</sup> Officer Parisi stated that he allowed ██████ actions and language to push him out of his professional character. Officer Parisi denied making any false statements.<sup>25</sup> Officer Parisi related that if he would have reviewed the BWC footage prior to completing the Department reports, he could have described the incident more accurately.<sup>26</sup> Officer Parisi stated that he summarized the incident as he recalled it at the time that he completed the reports.<sup>27</sup>

During his statement with COPA on February 5, 2019, Sgt. Jesse Carreno<sup>28</sup> stated that on June 29, 2018, he was assigned to the 005th District as a sergeant when he was informed by Officer Parisi that ██████ was requesting a supervisor. Upon speaking to ██████ he learned that ██████ was accusing Officer Parisi of striking him while in handcuffs. Sgt. Carreno admitted that he failed to obtain a Complaint Register number and complete an Initiation Report.<sup>29</sup> Additionally, Sgt. Carreno explained he reviewed an unknown portion of the BWC footage after hearing ██████ complaint and referred the matter to Lt. Nelli for the review of the TRR but could not recall if he informed Lt. Nelli about ██████ complaint.<sup>30</sup>

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<sup>19</sup> Officer Parisi remarked on several occasions of having prior knowledge of ██████ combative and aggressive behavior with other members. See Att. 20, pg. 24, 27.

<sup>20</sup> Att. 20, pg. 21.

<sup>21</sup> Officer Parisi added that he believed he needed to act swiftly because of his limited ability to move, his prior knowledge of ██████ combative behavior and ██████ refusal to comply with commands during the entire encounter. Att. 20, pg. 29.

<sup>22</sup> Att. 20, pgs. 31 and 32.

<sup>23</sup> Att. 20, pg. 37.

<sup>24</sup> Att. 20, pgs. 12, 19 and 27.

<sup>25</sup> Officer Parisi explained that he authored the TRR and Original Case Incident Report without reviewing his BWC. Att. 20, pg. 24.

<sup>26</sup> Officer Parisi informed COPA that prior to his statement, he had received additional training on how to complete TRRs, during which he was instructed to include more detail in the report. Att. 20, pg. 35.

<sup>27</sup> Throughout his statement, Officer Parisi remarked several times about how frustrated he was during the interaction and how that probably contributed to his conduct. See Att. 20, pg. 35 (example).

<sup>28</sup> Atts. 18 and 22.

<sup>29</sup> Att. 22, pg. 10.

<sup>30</sup> Sgt. Carreno relayed that ██████ complaint was that Officer Parisi struck him in the face and that upon reviewing the BWC it was determined that Officer Parisi did not strike ██████ in the face. Att. 20, pg. 14 and 15.

## b. Digital Evidence

**Body Worn Camera**<sup>31</sup> (BWC) footage details the Officers interaction with ██████ once he is handcuffed. The footage captures ██████ hurling profane comments and threats at the Officers.<sup>32</sup> As ██████ is hurling his profane comments, Officer Parisi, who is standing in the crosswalk, laughs and closes the distance on ██████<sup>33</sup> ██████ then remarks about being able to physical overcome the Officers and Officer Parisi responds by remarking about working out regularly, calling ██████ an idiot and telling he is as weak as a female.<sup>34</sup> ██████ responds by turning and walking towards Officer Parisi who tell ██████ that if he “squares up” he will “drop him.”<sup>35</sup> ██████ moves closer to Officer Parisi. Officer Parisi responds by delivering one closed hand strike to ██████ upper chest while stating “get the fuck back.”<sup>36</sup> ██████ falls to the ground but did not sustain any injuries. Once on the ground Officer Parisi instructs ██████ to stay on the ground. ██████ responds by spitting at Officer Parisi and hurling physical threats towards the Officers.<sup>37</sup> While ██████ is on the ground, he and Officer Parisi exchange insults. Upon the arrival of a transport vehicle, Officer Parisi escorts ██████ to the vehicle and tells ██████ to enter the vehicle. ██████ does not comply while insisting that Officer Parisi will have to strike him, and Officer Parisi calls him a “dummy” and eventually forcefully pushes ██████ into the rear seat.<sup>38</sup>

Upon arrival at the station, ██████ is placed in a holding area and requests to speak to a supervisor.<sup>39</sup> Officer Parisi points to Officer Fennell and remarks he is wearing a “white shirt” and then proceeds to recount the entire incident to ██████ while requesting if ██████ wants additional criminal charges. During this exchange, ██████ and Officer Parisi argue about ██████ being disabled.<sup>40</sup> ██████ again requests a supervisor and Officer Parisi denies the request while making degrading comments to ██████ insulting his housing situation, telling him he has nothing to live for and telling him “it is gonna get real fucking ugly.”<sup>41</sup> Eventually, Officer Parisi agrees to get a supervisor and locates Sgt. Carreno. Officer Parisi then explains the incident to Sgt. Carreno.<sup>42</sup> Sgt. Carreno asks ██████ what occurred, and ██████ informs him that Officer Parisi struck him while he was in handcuffs. Sgt. Carreno informs ██████ that Officer Parisi did not strike him while he was handcuffed and leaves the room.<sup>43</sup>

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<sup>31</sup> Att. 27.

<sup>32</sup> Att. 27, file Log 1090065 Axon\_Body\_2\_Video\_2018-06-29\_1704 Officer Parisi at 00:35.

<sup>33</sup> *Id.* at 00:41.

<sup>34</sup> *Id.* from 01:00 to 01:16.

<sup>35</sup> *Id.* from 01:16 to 01:19.

<sup>36</sup> *Id.* at 01:20.

<sup>37</sup> *Id.* at 01:36.

<sup>38</sup> *Id.* from 02:36 to 03:43

<sup>39</sup> ██████ requests a “white shirt,” which is commonly known slang meaning supervisor. Att. 27, file file Log 1090065 Axon\_Body\_2\_Video\_2018-06-29\_1723 Officer Parisi II from 02:05 to 02:33.

<sup>40</sup> *Id.* from 02:33 to 03:06.

<sup>41</sup> *Id.* from 03:06 to 04:40.

<sup>42</sup> *Id.* from 05:38 to 06:06.

<sup>43</sup> *Id.* from 06:09 to 07:12.

### c. Documentary Evidence

██████████ **Arrest Report**<sup>44</sup> and the **Original Case Incident Report**,<sup>45</sup> details essentially the same information as the Officers' statements and BWC footage. Additionally, the reports detail he was charged with Battery, Resisting, and Prohibited Transactions.

**Officer Parisi's Tactical Response Report**<sup>46</sup> (TRR) detail ██████████ actions as not following verbal direction, verbal threats, imminent threat of a battery without a weapon, and spitting. Officer Parisi's force mitigation efforts is listed as member presence, zone of safety, verbal direction/control techniques and tactical positioning as his force mitigation efforts. Office Parisi's force is listed as a closed hand strike/punch to ██████████ chest/shoulder. The Watch Commander is listed as Captain Eric Olson,<sup>47</sup> however, the narrative indicates that Lt. Nelli<sup>48</sup> completed the TRR review but was not able to access the TRR system. Lt. Nelli detailed that Officer Parisi's force was proper.

## V. 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;<sup>49</sup>
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<sup>50</sup> 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.

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<sup>44</sup> Att. 5.

<sup>45</sup> Att. 4.

<sup>46</sup> Att. 62.

<sup>47</sup> Cpt. Olson entered long term disability leave on September 21, 2021, prior to proving COPA a statement. Att. 25.

<sup>48</sup> Lt. Nelli separated from the Department on October 15, 2021, prior to providing COPA a statement. Att. 26.

<sup>49</sup> A **preponderance of evidence** can be described as evidence indicating that it is **more likely than not** that the conduct reviewed complied with 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 conduct complied with Department policy than that it did not, even if by a narrow margin, then the preponderance of the evidence standard is met.

<sup>50</sup> **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.



## VI. ANALYSIS AND CONCLUSION

### a. Force and Failure to Report Force Allegations

COPA finds that Allegations #1, 2 and 7 against Officer Parisi, that he used excessive force against ██████ are **sustained**. Department members are permitted to use force to overcome resistance.<sup>51</sup> When members encounter a citizen who fails to comply with verbal or other direction, that citizen is a passive resister.<sup>52</sup> Members are permitted to respond to passive resistance with presence; verbal directions; holding and compliance techniques; control instruments; and deployment of oleoresin capsicum.<sup>53</sup> Further, Department members are required to use reasonable efforts to de-escalate the need for force by using force mitigation.<sup>54</sup>

Here, a handcuffed ██████ is a passive resister, as he failed to comply with directions being provided to him. While Officer Parisi asserted that he could not step back because of the nearby roadway, he could have moved to the right of left of ██████ or stepped back to regain the distance he closed. Additionally, while ██████ spittle may have struck Officer Parisi, both Officer Parisi and Officer Fennell both characterized the spittle as incidental to ██████ yelling. While ██████ approaching Officer Parisi is problematic, even if it was viewed as the actions of an active resister or assailant, Officer Parisi was still obligated to respond with the least amount of force necessary to stop ██████ encroachment, instead Officer Parisi elected to strike ██████ with a closed hand, in the chest with such force that ██████ fell to the ground. Officer Parisi's decision to strike ██████ was highly problematic. Further, during his statement Officer Parisi repeatedly acknowledge that he could have used more mitigation techniques. COPA agrees with Officer Parisi's acknowledgement and believes that Officer Parisi's actions during the entire encounter did nothing but inflame the already tense interaction.<sup>55</sup> Therefore, COPA finds that Officer Parisi's strike of ██████ and Officer Parisi's failure to use any de-escalation methods violated Department policy and Rules 2, 3, 6, 8 and 9.

COPA finds that Allegation #6 against Officer Parisi, that he pushed ██████ into a Department vehicle, is **exonerated**. Department members are permitted to use force to overcome resistance.<sup>56</sup> When members encounter a citizen who fails to comply with verbal or other direction, that citizen is a passive resister.<sup>57</sup> Members are permitted to respond to passive resistance with presence, verbal directions, holding and compliance techniques, control instruments, and deployment of oleoresin capsicum.<sup>58</sup> Here, ██████ refusal to enter the Department vehicle was passive resistance. As such Officer Parisi was permitted to use a holding technique to place ██████ in the vehicle. Given the limited space and ability for assistance from other members, Officer

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<sup>51</sup> See G03-02-01 generally.

<sup>52</sup> G03-02-01 IV(B)(1), Response to Resistance and Force Options.

<sup>53</sup> G03-02-01 IV(B)(1)(a-d), Response to Resistance and Force Options.

<sup>54</sup> Force mitigation can include but is not limited to increase continuous communication, Tactical Positioning and using time to slow down the interaction. G03-02-01 III (A-C).

<sup>55</sup> Some of these actions include Officer Parisi's verbal abuse directed at ██████ and his decision to forcefully knock a drink from ██████ hand.

<sup>56</sup> See G03-02-01, Response to Resistance and Force Options, generally.

<sup>57</sup> G03-02-01 IV(B)(1).

<sup>58</sup> G03-02-01 IV(B)(1)(a-d).

Parisi's holding technique options were limited and he elected to use a firm grip and escort hold to place ██████ in the rear of the vehicle. Therefore, Officer ██████ actions were permissible under Department policy.

COPA finds that Allegation #1 against Officers Kirby and Fennell, that they failed to report the excessive force used by Officer Parisi, are **sustained**. Department members are required "to report to the Department any violation of Rules and Regulations or any other improper conduct which is contrary to the policy, order or directives of the Department."<sup>59</sup>

As discussed above, COPA found that Officer Parisi's use of force was in violation of Department policy, the positioning of Officer Kirby and Fennell did not limit their ability to fully appreciate the force Officer Parisi used. At the time Officer Parisi was engaging ██████ in the verbal confrontation immediately prior to the force, Officers Kirby and Fennell were mere feet away and looking in the direction of Officer Parisi and ██████. As Officer Parisi delivered his strike to ██████ chest, Officers Kirby and Fennell were still feet away and were fully able to observe Officer Parisi's strike and ██████ fall to the ground. Therefore, COPA finds that Officer Kirby's and Fennell's failure to report Officer Parisi's excessive force and verbal abuse violated Department policy and Rules 2, 3 and 6.

#### **b. Verbal Abuse and Failure to Report Verbal Abuse Allegations**

COPA finds that Allegations #3 to 5 and 8 to 10 against Officer Parisi, that he directed various profane, insulting, and derogatory remarks to ██████ are **sustained**. Department members are required to "treat all persons with courtesy and dignity which is inherently due every person as a human being" and do so while "speak[ing] ... in a professional manner and maintain[ing] a courteous attitude in all contacts with the public."<sup>60</sup> Here, the BWC footage speaks for itself. While it is undisputed that ██████ made profane threats at the Officers, Officer Parisi's response in kind was wholly unwarranted, to the point that Officer Parisi admitted as much several times during his statement. Therefore, COPA finds that Officer Parisi's verbal abuse served no purpose other than to degrade and humiliate ██████ and was in violation of Department policy and Rules 2, 3, 6, 8 and 9.

COPA finds that Allegation #2 against Officer Kirby is **sustained**. Department members are required "to report to the Department any violation of Rules and Regulations or any other improper conduct which is contrary to the policy, order or directives of the Department."<sup>61</sup> Here, it is undisputed that Officer Kirby did not report the verbal abuse by Officer Parisi. Additionally, it is undisputed that Officer Parisi's verbal abuse was unwarranted and in violation of policy. Therefore, COPA finds that Officer Kirby's failure to report Officer Parisi's verbal abuse violated Department policy and Rules 2, 3, and 6.

#### **c. Discouraging of Reporting Misconduct to a Supervisor and Failing to Investigate a Report of Misconduct**

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<sup>59</sup> Article V, Rule 22 of Rules and Regulations of the Chicago Police Department

<sup>60</sup> G02-01 III (B), Human Rights and Resources; G02-04 II (C), Prohibition Regarding Racial Profiling and Other Bias Based Policing.

<sup>61</sup> Article V, Rule 22 of Rules and Regulations of the Chicago Police Department

COPA finds that Allegations# 11 and 12 against Officer Parisi, that he attempted to dissuade ██████ from speaking to a supervisor and reporting misconduct, are **sustained**. When a non-supervisory Department member “becomes aware that a member of the public wants to submit a complaint” they will “immediately notify a supervisory Department member.”<sup>62</sup>

Here, it is undisputed that Officer Parisi is a non-supervisory member and that ██████ requested to speak to a supervisory Department member. While ██████ did not expressly inform Officer Parisi that he wanted to file a complaint, a reasonable officer possessing all the facts known to Officer Parisi would have reasonably surmised that filing a complaint was the impetus of the request.<sup>63</sup> After receiving ██████ request, Officer Parisi ignored it, told him the request would not be honored, threatened additional criminal charges, insulted and belittled ██████ and informed ██████ a supervisor would not assist ██████ in anyway. COPA can think of no other reason as to why Officer Parisi would have responded to ██████ request in such manner unless he was attempting to prevent ██████ from making a complaint. Therefore, Officer Parisi’s actions violated Department policy and Rules 2, 3, and 6.

COPA finds that Allegation #1 against Sgt. Carreno, that he failed to investigate ██████ report of misconduct, is **sustained**. When a supervisor member “becomes aware that a member of the public ... wants to submit a complaint, the supervisor will ... document the complaint ... [and] report the complaint to COPA...”<sup>64</sup> Here, it is undisputed that ██████ wanted to submit a complaint about Officer Parisi striking him while handcuffed and that Sgt. Carreno took no action related to the complaint. In fact, Sgt. Carreno admitted to watching only a portion of the BWC footage and not informing Lt. Nelli about ██████ complaint. It is for these reasons the COPA finds Sgt. Carreno’s failure to act on ██████ complaint violated Department policy and Rules 2, 3 and 6.

#### **d. Inaccurate Report Allegations**

COPA finds that Allegations # 13 and 14 against Officer Parisi and Allegation #3 against Officer Kirby, that they failed to accurately detail the interaction with ██████ are **sustained**. Additionally, COPA finds that Allegations # 15 and 16 against Officer Parisi, that he willfully made false statements in various reports, is **not sustained**. When completing Departmental reports, members are required to detail the facts and circumstances of the incident accurately and fully.<sup>65</sup>

Here, it is undisputed that the reports were poorly written. Additionally, both Officers Kirby and Parisi informed COPA that they authored their reports without viewing the BWC footage first, relied solely upon memory and the accounts of other members to author their narratives. While this is problematic, it is unclear to COPA if these decisions were mere carelessness or purposeful attempts to modify the narrative. Since it is clear the reports fail to

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<sup>62</sup> G08-01-02 IV(B).

<sup>63</sup> Which was in fact the case, as shown by ██████ immediately alleging to Sgt. Carreno he was struck while in handcuffs.

<sup>64</sup> G08-01-02 IV(C).

<sup>65</sup> G03-02 VII(C), De-Escalation, Response to Resistance, and Use of Force; G03-02-02 IV(B)(1)(c)(1); S06-01-11 IV(A)(3), (4), CLEAR Automated Arrest System.

accurately document the manner and speed at which the events unfolded, therefore, COPA finds that the members failed to exercise even the most basic care when authoring their reports. Thus, COPA finds that the accuracy and fullness of Officers Parisi's and Kirby's narrative was more likely than not a result of inattention to duty and carelessness. Therefore, COPA finds that Officers Parisi and Kirby violated Department policy and Rules 2, 3, 6 and 10.

**e. Body Camera Allegations**

COPA finds that Allegation #2 against Officer Fennell, that he failed to activate his BWC, is **sustained**. Department Members are required to activate BWC "at the beginning of" or "as soon as practical" for "all law-enforcement-related activities."<sup>66</sup> Here, it is undisputed that Officer Fennell failed to activate his BWC when required to do so by policy. Therefore, COPA finds that Officer Fennell's failure violated Department policy and Rules 2, 3, and 6.

**VII. RECOMMENDED DISCIPLINE FOR SUSTAINED ALLEGATIONS**

**a. Sgt. Carreno**

**i. Complimentary and Disciplinary History**

Sgt. Carreno has received 127 various awards and has no disciplinary history in the last 5-years.

**ii. Recommended Penalty**

Here, it is undisputed that Sgt. Carreno failed to act on [REDACTED] complaint. The mere fact [REDACTED] complaint related to a reportable use of force that was subjected to supervisory review did not in any way relieve Sgt. Carreno of his obligation to document the complaint and notify COPA. In fact, Sgt. Carreno seemed to summarily dismiss [REDACTED] complaint, which is highly unacceptable and delayed the ultimate reporting to COPA. It is for these reasons combined with his history, that COPA recommends Sgt. Carreno receive a **30-day suspension**.

**b. Officer Parisi**

**i. Complimentary and Disciplinary History**

Officer Parisi has received 98 various awards and has received two reprimands; one for a preventable accident in August 2021 and one of failing to appear in court in October 2021 in the last 5-years.<sup>67</sup>

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<sup>66</sup> "Law-enforcement-related activities include but are not limited to:" "calls for service; investigatory stops; traffic stops; traffic control; foot and vehicle pursuits; arrest; use of force incidents; seizure of evidence; interrogations; searches, including searches of people, items, vehicle, buildings, and places; statements made by individuals in the course of an investigation; requests for consent to search; emergency driving situations; emergency vehicle responses where fleeing suspects or vehicle may be captured on video leaving the crime scene; high-risk situations; any encounter with the police that becomes adversarial after the initial contact; arrestee transports; any other instance when enforcing the law." S03-14 III(A)(2)(a-r), Body Worn Cameras.

<sup>67</sup> Att. 33, pg. 3.

## ii. Recommended Penalty

Here, Officer Parisi's wholly inexcusable misconduct is documented on BWC. Officer Parisi's repeated dehumanizing verbal abuse. It is COPA's firm belief that Officer Parisi's verbal abuse served no purpose other than to inflame the interaction and that his force against the handcuffed [REDACTED] was punitive. In fact, Officer Parisi admitted to COPA several times his verbal abuse was improper and unwarranted. Further, Officer Parisi admitted that he did not review his BWC prior to authoring his report and that he based his narrative on memory. While it is concerning that Officer Parisi's report fails to detail the fact and circumstances fully and accurately as they occurred, there is no indication that this failure was in anyway intentional. It is for these reasons, combined with his history, that COPA recommends Officer Parisi received a **180-day suspension up to and including Separation.**

## c. Officer Kirby

### i. Complimentary and Disciplinary History

Sgt. Carreno has received 116 various awards and has received a reprimand for a preventable accident in February of 2022.<sup>68</sup>

### ii. Recommended Penalty

Here, Officer Kirby admitted that he did not review his BWC prior to authoring his report and that he based his narrative on memory and what Officer Parisi relayed to him. Additionally, Officer Kirby acknowledged to COPA that Officer Parisi's verbal abuse was improper but neglected to report it to any supervisor. Further, COPA found that Officer Kirby witnessed Officer Parisi's excessive force but took no action to report it to supervision as requested. These failures delayed the reporting of this incident to COPA. It is for these reasons, combined with his history, that COPA recommend Officer Kirby receive a **30-day suspension.**

## d. Officer Fennell

### i. Complementary and Disciplinary History

Officer Fennell has received 184 various awards and has received one reprimand for the improper processing of a traffic citation in March of 2021.<sup>69</sup>

### ii. Recommended Penalty

Here, it is undisputed that Officer Fennell failed to active his BWC. Additionally, COPA found that Officer Fennell witnessed Officer Parisi's excessive force but took no action to report it to supervision. While Officer Fennell's failure to activate his BWC had little to no impact on COPA's investigation it was still an impermissible failure. In contrast Officer Fennell's failure to report Officer Parisi's excessive force delayed the reporting of the incident to COPA. It is for these

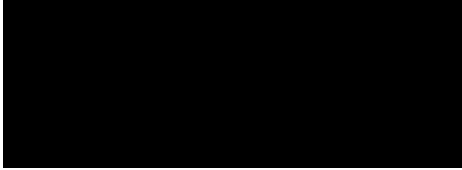
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<sup>68</sup> Att. 32, pg. 3.

<sup>69</sup> Att. 61, pg. 3.

reasons, combined with his history, that COPA recommends Officer Fennell receive a **30-day suspension**.

Approved:



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Matthew Hayman  
*Deputy Chief Administrator*

8/22/2022

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Date