

SUMMARY REPORT OF INVESTIGATION

Date/Time/Location of Incident:	March 9, 2019, 3:25 am, 346 – 348 W. 108 th Place
Date/Time of COPA Notification:	April 4, 2019, 5:00 pm
Involved Officer #1:	Luke Opoka, Star #18952, Emp. ID# [REDACTED] Date of Appointment: December 14, 2015, DOB: [REDACTED], 1994, PO, 005, Male, White
Involved Individual #1:	[REDACTED] DOB: February 5, 1972, Male, Black
Case Type:	Unnecessary Physical Force and Verbal Abuse

I. ALLEGATIONS

Officer	Allegation	Finding
Officer Luke Opoka	1. Engaged in an unjustified verbal altercation with [REDACTED]	Sustained
	2. Grabbed [REDACTED] by the sweater and roughly pushed him, without justification.	Sustained
	3. Directed profanities at [REDACTED] and stated words to the effect of, “Stand outside of the fucking tape,” “Get the fuck out of here,” and “What are you fucking deaf?”	Sustained
	4. Called [REDACTED] words to the effect of, “You stupid fuck.”	Sustained
	5. Failed to activate your body worn camera, in violation of Special Order 03-14.	Sustained
	6. Rude and unprofessional with overall behavior during your interaction with [REDACTED]	Sustained

II. 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.

-
2. Rule 3 - Any failure to promote the Department's efforts to implement its policy or accomplish its goals.
 3. Rule 6 - Disobedience of an order or directive, whether written or oral.
 4. Rule 8 - Disrespect to or maltreatment of any person, while on or off duty.
 5. Rule 9 - Engaging in any unjustified verbal or physical altercation with any person, while on or off duty.
 6. Rule 10 – Inattention to duty.
-

General Orders

1. GO 01-01 – Vision, Mission Statement and Core Values - effective March 1, 2011 to May 21, 2019.
 2. GO 02-01 –Human Rights and Human Resources – effective October 5, 2017 – June 30, 2022)
 3. GO 03-02 – Use of Force – effective October 16, 2017 to February 29, 2020.
-

Special Orders

1. SO 03-14 – Body Worn Cameras – effective April 30, 2018 to present.
-

III. SUMMARY OF EVIDENCE¹

On March 9, 2019, officers responded to shots fired at 346 – 348 W. 108th Place, and learned three citizens had been shot, including ██████████ son of ██████████ ██████████ of 346 W. 108th Place, was present at the scene upset, belligerent, raising his voice, and interrupting the officers. The officers tried to answer his questions and ignored his comments. Within a few minutes, Sergeant Steinbrenner arrived at the scene, and he explained the situation and procedures to ██████████ as officers placed markers on shell casings located on the ground.

Shortly thereafter, Officer Opoka arrived at the scene and, upon seeing ██████████ directed him to step out of the area other officers were sealing off as part of the crime scene.² Officers Miller and Stuckey told Officer Opoka that ██████████ resided at one of the homes inside the crime scene and pointed the home out.³ ██████████ briefly spoke to Officer Opoka about the incident when Officer Opoka

¹COPA conducted a full and complete investigation of this matter, including the interview of all pertinent civilian and officer witnesses, and the collection and review of digital, documentary, and forensic evidence. As part of COPA's ongoing efforts to increase case closure capacity, certain cases opened under IPRA are summarized more succinctly in a Modified Summary Report of Investigation, pursuant to COPA Guideline Modified Summary Report of Investigation Template and Approvals, effective February 13, 2019.

² Att. 30 at 7:00; Att. 33 at 3:45

³ Att. 30, at 7:03; Att. 33 at 3:48.

grabbed [REDACTED] by the arm.⁴ [REDACTED] told Officer Opoka not to grab him like that and pulled away.⁵ In response, Officer Opoka directed profanities at [REDACTED] stating, “Stand on the other side of the fucking tape,”⁶ “What don’t you understand, you stupid fuck,”⁷ and “Get the fuck out of here,”⁸ while grabbing [REDACTED] by the arm again. [REDACTED] began to walk away with his hands raised up in the air, while Officer Opoka grabbed [REDACTED] by the back of [REDACTED] sweater⁹ and forcibly pushed him forward out of the scene.¹⁰ [REDACTED] called for Sergeant Steinbrenner, as Officer Opoka stated to [REDACTED] “What are you, fucking deaf?”¹¹

[REDACTED] crossed over the yellow tape being placed by Officers Miller and Stuckey and walked toward his house where Sergeant Steinbrenner was located. Officer Opoka continued arguing with [REDACTED] and stated, “What are you going to do,” when [REDACTED] told him that he was not going to be disrespected by him.¹² [REDACTED] approached and informed Sergeant Steinbrenner that Officer Opoka disrespected him, and then went inside his house. No other altercations were observed between [REDACTED] and any other officer at the scene.

In his statement to COPA,¹³ [REDACTED] stated that he was upset because his son was one of the shooting victims and he did not know all the details of the incident. [REDACTED] related that some of the officers were not professional or helpful toward the situation. [REDACTED] was talking to Sergeant Steinbrenner when Officer Opoka arrived on the scene and shoved him with two hands for no reason.¹⁴ [REDACTED] immediately engaged in a verbal altercation with Officer Opoka and told Sgt. Steinbrenner that Officer Opoka pushed him, but the sergeant kept walking forward. [REDACTED] also stated that Officer Opoka directed profanities at [REDACTED] grabbed [REDACTED] by the arm, and forcibly pushed [REDACTED] forward.

In his statement to COPA,¹⁵ Officer Opoka admitted that he used profanities toward [REDACTED] explaining that sometimes in the streets you must use that language to have individuals follow directions.¹⁶ However, Officer Opoka could not explain why he immediately grabbed [REDACTED] by the arm or the back of his sweater, simply stating that he was escorting [REDACTED] out of the crime scene, even though [REDACTED] was already doing so on his own. Officer Opoka denied pushing [REDACTED] two separate times. Officer Opoka also related that he did not activate his BWC upon arrival at the scene because he was only there to provide security and it was too late to activate after his encounter with [REDACTED]¹⁷ Officer Opoka denied most of the allegations against him.

⁴ Att. 32 at 3:12

⁵ Att. 30 at 7:03; Att. 32 at 3:15 – 3:19; Att. 33 at 3:55.

⁶ Att. 30 at 7:07; Att. 32 at 3:15; Att. 33 at 3:50.

⁷ Att. 30 at 7:09, Att. 32 at 3:17; Att. 33 at 3:54.

⁸ Att. 30 at 7:09, Att. 32 at 3:17; Att. 33 at 3:54.

⁹ Att. 32 at 3:16; Att. 33 at 3:57.

¹⁰ Att. 32 at 3:23; Att. 33 at 3:58.

¹¹ Att. 30 at 7:09–7:20; Att. 32 at 3:17–3:29; and Att. 33 at 3:53–4:00.

¹² Att. 33 at 3:43.

¹³ Atts. 12–13

¹⁴ Att. 12, at 5:50, 11:45 and 13:50.

¹⁵ Att. 46

¹⁶ Att. 52, pg. 29

¹⁷ Att. 52, page 25 – 26, 29.

IV. 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; or
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.¹⁸ 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.¹⁹ 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."²⁰

I. ANALYSIS AND CONCLUSION

Allegations #1, #3, #4, and #6

COPA finds Allegations #1, #3, #4, and #6 – that Officer Opoka engaged in an unjustified verbal altercation with ██████████ directed profanities at him, and was rude and unprofessional in his interaction with ██████ – to be **Sustained**. In reaching this finding, COPA reviewed all relevant body worn cameras (BWC),²¹ the statement of ██████²² the statements of the witness officers,²³ Officer Opoka's statement and other relevant documents.

The Chicago Police Department (CPD) requires all members to conduct themselves in a manner that is consistent with professional standards, the core values of the department and to be

¹⁸ *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).

¹⁹ *People v. Coan*, 2016 IL App (2d) 151036 (2016).

²⁰ *Id.* at ¶ 28.

²¹ Atts. 28-33.

²² Atts. 12-13.

²³ Atts. 37-38

accountable for their actions.²⁴ Members are expected to aspire to high ideals of altruism, honor, respect...compassion and communication. In another CPD policy, Department members will treat all persons with the courtesy and dignity which is inherently due every person as a human being. Department members will act, speak, and conduct themselves in a professional manner, recognizing their obligation to safeguard life and property, and maintain a courteous, professional attitude in all contacts with the public.²⁵ Members will not exhibit a condescending attitude or direct any derogatory terms toward any person in any manner.²⁶

Here, Officer Opoka stated that [REDACTED] was irate and had initially raised his voice at Officer Opoka when he asked him to exit the crime scene area. However, the BWC videos captured [REDACTED] talking about his son and Officer Opoka initially engaging in the verbal altercation with [REDACTED] when he grabbed his arm and stated, “Stand outside of the fucking tape, and get the fuck out of here.”²⁷ Officer Opoka also stated to COPA that [REDACTED] “stopped and turned to argue with him,” when he was escorting [REDACTED] out of the crime scene, but the BWC videos captured [REDACTED] walking away from Officer Opoka, not turning to face Officer Opoka, and even raising his hands up in the air.²⁸ As such, Officer Opoka without justification engaged in a verbal altercation with [REDACTED] who was inquiring about his son who had been shot and then pulled away when Officer Opoka, who without justification grabbed his arm.²⁹ Officer Opoka was verbally abusive and did not follow Department protocol and policies on how to engage with the public. Accordingly, the preponderance of the evidence establishes that Officer Opoka was rude, condescending, impatient, and unprofessional from the moment he arrived on the scene, and during his interaction with [REDACTED]. Thus, COPA finds Allegations #1, #3, #4, and #6 – that Officer Opoka engaged in an unjustified verbal altercation with [REDACTED] directed profanities at him, and was rude and unprofessional in his interaction with [REDACTED] – to be **Sustained**.

Allegation #2

COPA finds that Allegation #2, that Officer Opoka grabbed [REDACTED] by the sweater and roughly pushed him without justification, is **Sustained**. Under CPD policy, members may seek to gain the voluntary compliance of subjects, when consistent with personal safety, to eliminate the need to use force or reduce the force that is needed.³⁰ “Force is defined as any physical contact by a Department member, either directly or indirectly or through the use of equipment, to compel a subject’s compliance.”³¹ “Department members may only use force that is objectively reasonable, necessary, and proportional in order to ensure the safety of a member or third person, stop an attack, make an arrest, control a subject, or prevent escape.”³² “The main issue in evaluating every use of force is whether the amount of force used by the officer was

²⁴ Att. 47, G01-01(A)(1), Mission Statement and Core Values (effective March 1, 2011 to May 21, 2019)

²⁵ Att. 53, G02-01 (III)(B) Human Rights and Human Resources (effective October 5, 2017 – June 30, 2022).

²⁶ Att. 53, G02-01 (III)(D).

²⁷ Att. 52, pg. 10; Att. 30 at 7:07; Att. 32 at 3:15; Att. 33 at 3:50.

²⁸ Att. 30, at 7:11; Att. 32 at 3:18; Att. 33 at 3:53.

²⁹ Att. 30 at 7:09, Att. 32 at 3:17; Att. 33 at 3:54.

³⁰ Att. 53, G03-02, Use of Force (II)(C) (Effective October 16, 2017, to February 29, 2020).

³¹ Att. 53, GO3-02 (III)(A)

³² Att. 53, GO3-02 (III)(B)

objectively reasonable in light of the totality of the circumstances faced by the officer at the scene.”³³

Additionally, “[m]embers will use de-escalation techniques to prevent or reduce the need for force when it is safe and feasible to do so based on the totality of the circumstances. ... Examples of de-escalating techniques include ... exercising persuasion and advice, and providing a warning prior to the use of force.”³⁴

Officer Opoka used force against ██████████ as defined by the Department, first when he grabbed ██████████ by the arm, and then again when he grabbed ██████████ by the sweater and shoved ██████████ out of the taped off area.³⁵ COPA finds that this force was neither reasonable nor necessary. ██████████ was already heading out of the taped off area with his hands raised in the air when Officer Opoka did this. (It should be noted that the crime scene tape was being put up around ██████████ and that he did not enter into the crime scene, but rather, was caught in it as it was being defined.) Further, Officer Opoka failed to use de-escalating techniques such as communication, patience, and empathy, as well as explaining procedures to ██████████ who was upset about his son being a victim of a shooting. Officers Stuckey and Miller both tried to explain to Officer Opoka that ██████████ home was on the same side of the crime scene, but Officer Opoka failed to listen.³⁶ In his interview with COPA, Officer Miller stated that he would have used de-escalating techniques to handle ██████████ who was upset about the fact that his son, and his son’s friends had been shot, and there were a lot of emotions.³⁷ Thus, the preponderance of the evidence established that the physical force used by Officer Opoka was not justified, and COPA finds that Allegation #2 is **sustained**.

Allegation #5

Allegation #5, that Officer Opoka failed to activate his body worn camera during this incident is also **Sustained**. According to Special Order 03-14, officers are to activate their BWC at the beginning of an incident, any calls for service, use of force incidents, high-risk situations, any encounter with the public that becomes adversarial after the initial contact and any other instance when enforcing the law just to mention a few of the law-enforcement related activities.³⁸ Officer Opoka was responding to shots fired with hits. However, Officer Opoka stated he was under the belief that he need not have activated his BWC because he was only providing security to the scene.³⁹ This is not a justification for failing to activate BWC. Therefore, COPA finds that Allegation #5 is **sustained**.

³³ Att. 53, GO3-02 (III)(B)(1)

³⁴ Att. 53, GO3-02 (III)(B)(4)(a)

³⁵ Att. 30 at 7:09; Att. 32 at 3:17–3:26; and Att. 33 at 3:51–4:00.

³⁶ Att. 30 at 7:05, and Att. 33 at 3:49.

³⁷ Att. 51, pg. 25.

³⁸ Att. 48, S03-14 (A)(2) (a-r) Body Worn Cameras (effective April 30, 2018 to present).

³⁹ Att. 52, page 25 – 26, 29.

VIII. RECOMMENDED DISCIPLINE FOR SUSTAINED ALLEGATIONS**a. Officer Opoka****i. Complimentary and Disciplinary History**

Officer Opoka has received 93 various awards in just over seven years on the job. He also received one reprimand: in 2021 for Traffic in Improper processing/Reporting/Procedures Citation.

ii. Recommended Penalty

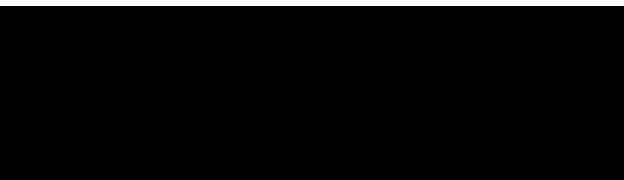
In mitigation, COPA will consider Officer Opoka's extensive complimentary history.

In aggravation, COPA will consider that although Officer Opoka accepted responsibility for the verbal language used during his interaction with ██████ he insisted that he did not use force or push ██████ when escorting him out of the crime scene, even after watching BWC video that captured Officer Opoka grabbing ██████ by the sweater, pushing ██████ forward, and then shoving him out of the crime scene with both hands causing ██████ to bump into Officer Stuckey.⁴⁰ It is also aggravating that with his four years of experience on the street at that point, he had not yet learned how to maintain his decorum and temper, as he indicated that sometimes forceful language on the street is needed and place physical force... to relay the seriousness of the offense.⁴¹

Further, in aggravation, COPA will consider that Officer Opoka's failure to record the incident hindered COPA's investigation and limited its ability to fully assess Officer Opoka's conduct. Finally, in aggravation, COPA will consider Officer Okopa's previous reprimand.

In sum, Officer Opoka's actions negatively impacted the reputation, credibility, and public trust in the Department's ability to act justly and without deference to members of the public. Thus, **COPA recommends a 10-day Suspension, BWC and Anger Management Training.**

Approved:



Matthew Haynam
Deputy Chief Administrator – Chief Investigator

Date: 2/16/2023

⁴⁰ Att. 52, pgs. 15 – 18, 28.

⁴¹ Att. 52, pg. 29.