

**SUMMARY REPORT OF INVESTIGATION**

Date/Time/Location of Incident:	January 24, 2021 / 7:46 A.M. / Central Detention – 1718 S. State Street
Date/Time of COPA Notification:	January 24, 2021 / 1:36 P.M.
Involved Detention Aide #1:	John Jointer, Employee No. [REDACTED], Date of Appointment: December 05, 2005, Rank: Detention Aide, Unit 171/166, DOB: [REDACTED], 1975, Male, Black
Involved Officer #2:	Antonio Guereca, Star No. 6486, Employee No. [REDACTED], Date of Appointment: July 30, 2001, Rank: Police Officer, Unit 012, DOB: [REDACTED], 1972, Male, Hispanic
Involved Officer #3:	Brandon Randhawa <sup>1</sup> , Star No. 18088, Employee No. [REDACTED], Date of Appointment: August 16, 2019, Rank: Police Officer, Unit 002, DOB: [REDACTED], 1996, Male, Asian Pacific Islander
Involved Detention Aide #4:	Harace Minniefield Jr., Employee No. [REDACTED], Date of Appointment: April 06, 1994, Rank: Detention Aide, Unit 171, DOB: [REDACTED], 1968, Male, Black
Involved Detention Aide #5:	Alvin Amos, Employee No. [REDACTED], Date of Appointment: September 16, 1998, Rank: Detention Aide, Unit 171, DOB: [REDACTED], 1975, Male, Black
Involved Individual #1:	[REDACTED] DOB: [REDACTED], 1990, Male, Black
Case Type:	Excessive Force / Failure to Intervene

**I. ALLEGATIONS**

<b>Officer</b>	<b>Allegation</b>	<b>Finding/ Recommendation</b>
Detention Aide John Jointer	1. It is alleged by the Civilian Office of Police Accountability, by and through Deputy Chief Matthew Haynam, that on or about January 24, 2021, at approximately 7:46 A.M., at or near 1718 S. State Street, Detention Aide John Jointer, Employee No. [REDACTED], committed misconduct through the following acts or omissions, by: forcefully striking [REDACTED] on or about the head without justification.	<b>Sustained / Separation</b>

<sup>1</sup> Officer Randhawa resigned from the Chicago Police Department effective May 6, 2021. Attachment 39.

Officer Antonio Guereca	1. It is alleged by the Civilian Office of Police Accountability, by and through Deputy Chief Matthew Haynam, that on or about January 24, 2021, at approximately 7:46 A.M., at or near 1718 S. State Street, Officer Antonio Guereca, Star No. 6486, committed misconduct through the following acts or omissions, by: failing to intervene when Detention Aide John Jinter struck [REDACTED] on or about the head without justification.	<b>Sustained / 15-Day Suspension</b>
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## II. SUMMARY OF EVIDENCE

On January 24, 2021, CPD's Crime Prevention and Information Center (CPIC) notified the Civilian Office of Police Accountability (COPA) of a lockup incident at CPD's Central Detention Unit. The notification stated that a male arrestee in lockup became uncooperative and got into an altercation with detention aides (DAs). The arrestee sustained minor injuries and was transported to Mercy Hospital for treatment.<sup>2</sup> Following the CPIC notification, COPA received an Initiation Report from the Commanding Officer of Central Detention, Lt. Jaime Sosa, identifying the arrestee as [REDACTED] Mr. [REDACTED] told Lt. Sosa that DA John Jinter found a debit card in his pocket, became angry, pushed him, and struck him in the face.<sup>3</sup> In reaching its factual findings, COPA took the statements of DA Jinter,<sup>4</sup> Officer Antonio Guereca,<sup>5</sup> and witnesses DA Alvin Amos,<sup>6</sup> DA Harace Minniefield,<sup>7</sup> and Lt. Sosa.<sup>8</sup> COPA also reviewed the body worn camera (BWC) video of Officer Guereca,<sup>9</sup> the Tactical Response Reports (TRRs) of DAs Jinter and Minniefield,<sup>10</sup> the Arrest Report for Mr. [REDACTED]<sup>11</sup> an Original Case Incident Report,<sup>12</sup> an Office of Emergency Management & Communications (OEMC) Event Query report,<sup>13</sup> a Bureau of Internal Affairs report documenting DA Jinter's duty restriction following the incident,<sup>14</sup> and multiple other videos and documents related to the incident.

COPA finds that on January 24, 2021, Officers Antonio Guereca and Brandon Randhawa transported Mr. [REDACTED] from UIC Hospital to CPD Central Detention, located at 1718 S. State Street. At approximately 7:38 A.M., the officers escorted Mr. [REDACTED] to the entrance of the lockup facility's intake area. DA Minniefield—seated at a table in the intake area—asked Mr.

<sup>2</sup> Attachment 2.

<sup>3</sup> Attachment 1.

<sup>4</sup> Attachments 26, 32, 34, 45.

<sup>5</sup> Attachments 25, 44.

<sup>6</sup> Attachments 24, 42.

<sup>7</sup> Attachments 36, 46.

<sup>8</sup> Attachments 31, 43. COPA also made multiple attempts to secure Mr. [REDACTED] interview, including more than a dozen phone calls, four letters, and a personal visit to Mr. [REDACTED] residence with an FBI agent. All of these efforts met with negative results. *See* CMS notes.

<sup>9</sup> Attachment 13.

<sup>10</sup> Attachments 12, 37.

<sup>11</sup> Attachment 3.

<sup>12</sup> Attachment 16.

<sup>13</sup> Attachment 7.

<sup>14</sup> Attachment 11.

██████████ about his personal possessions and any medical conditions. At approximately 7:44 A.M., DA Jointer arrived in the intake area and DA Minniefield instructed Mr. ██████████ to step forward. At DA Minniefield's direction, Mr. ██████████ removed money from his pockets and placed it on the table. DA Jointer then escorted Mr. ██████████ into an adjacent holding cell and searched him, finding a debit card in someone else's name in his pocket.

Upon finding the card, DA Jointer handed it back to Officer Guereca, advising the officers they should have searched Mr. ██████████ and taken the card for inventory. Mr. ██████████ protested that he believed he could have the card, and he and DA Jointer began to argue about the issue, with DA Jointer stating, "Bro, we're not gonna go back and forth about it."<sup>15</sup> As Mr. ██████████ continued to argue, DA Jointer placed his right hand on Mr. ██████████ back and escorted him out of the holding cell. Mr. ██████████ complained that DA Jointer pushed him, and he turned around to face DA Jointer. DA Jointer stated, "Come on. Go that way. Go that way. Come on, big guy,"<sup>16</sup> gesturing toward a hallway leading to lockup cells. DA Jointer then pushed Mr. ██████████ twice, moving Mr. ██████████ several feet with each push. Mr. ██████████ turned to face DA Jointer, pulled up his pants,<sup>17</sup> and began raising his arms in DA Jointer's direction. At that point, DA Minniefield approached Mr. ██████████ from behind and grabbed his arms, attempting to restrain them behind Mr. ██████████ back.

A struggle ensued between Mr. ██████████ and the DAs in which all three involved individuals quickly assumed combative postures, rapidly maneuvering their legs and arms. Officer Guereca's BWC did not clearly capture the first several seconds of the struggle due to the positioning of the DAs' bodies; however, within approximately four seconds, the video showed DA Jointer holding Mr. ██████████ by the hair with his right hand as he punched Mr. ██████████ with his left hand. DA Jointer delivered at least seven forceful, closed-fisted, underhand strikes to Mr. ██████████ face and head. Across all those strikes, Mr. ██████████ was positioned in a bent-over, defensive stance with his head down, covering his face with his right arm. (*See* Figure 1, below.)

As DA Jointer punched Mr. ██████████ DA Minniefield continued to hold Mr. ██████████ from behind, attempting to push him down the hallway toward the cells. DA Amos approached from behind DA Jointer and tried to intervene in the altercation. Officers Guereca and Randhawa took several steps toward the struggle, said nothing, then turned and walked away. As the struggle moved down the hallway, DA Jointer repeatedly yelled words to the effect of, "Huh? Huh? We done? We done? We done?"<sup>18</sup> The BWC audio also continued to capture various sounds from the altercation, including the sound of apparent impacts. The DAs placed Mr. ██████████ in padded Cell A, at which point DA Jointer again admonished Officers Guereca and Randhawa about their duty to search arrestees and inventory prohibited items. The three DAs and two officers promptly reported the incident to the desk sergeant and Lt. Sosa. Mr. ██████████ complained of pain to his eye socket, elbow, and foot, and he was transported to Mercy Hospital for treatment.

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<sup>15</sup> Attachment 13 – BWC of PO Guereca at 13:44 – 13:49.

<sup>16</sup> *Id.* at 14:00 – 14:05.

<sup>17</sup> In his statement to COPA, DA Jointer cited this as an initial aggressive action Mr. ██████████ took toward him, explaining, "It's a move that these young guys do out here when they're getting themselves ready to fight—because their pants hang so low, I guess." Attachment 45, pg. 32, lines 10-12.

<sup>18</sup> Attachment 13 - PO Guereca BWC at 14:17 – 14:25.



Figure 1. Screenshot showing the positioning of DA Jinter (right), Mr. [REDACTED] (center), and DA Minniefield (left) as DA Jinter used his left hand to repeatedly punch Mr. [REDACTED] in the head.

In their statements to COPA, DA Jinter, DA Minniefield, and Officer Guereca all reported that Mr. [REDACTED] swung first, unsuccessfully attempting to strike DA Jinter. Officer Guereca said he attempted to physically intervene in the struggle, but the third Detention Aide<sup>19</sup> reached the men first and was able to stop the altercation. COPA finds DA Jinter and Officer Guereca provided accounts of the incident that are only partially credible, as both minimized their respective misconduct. In particular, DA Jinter's description of Mr. [REDACTED] as an assailant appears exaggerated when considered in light of the video. Officer Guereca also overstated his attempts to intervene in the altercation. However, COPA notes that Lt. Sosa and DAs Minniefield and Amos provided credible statements that are largely corroborated by the BWC video and other evidence.

### III. ANALYSIS AND CONCLUSION

#### a. DA Jinter forcefully struck Mr. [REDACTED] on or about the head without justification.

COPA finds that DA Jinter repeatedly and forcefully punched Mr. [REDACTED] on or about the head without justification. General Order 03-02-01 authorizes Department members to use direct mechanical techniques, including punching and kicking, against assailants who are using or threatening to use force likely to cause physical injury.<sup>20</sup> General Order 03-02 requires all use of force to be "objectively reasonable, necessary, and proportional, under the totality of the circumstances, in order to ensure the safety of a member or third person, stop an attack, make an

<sup>19</sup> In his statement, Officer Guereca incorrectly refers to DA Amos as DA Minniefield.

<sup>20</sup> General Order G03-02-01(IV)(C)(1)(a)(1), Force Options (effective February 29, 2020 – April 14, 2021).

arrest, control a subject, or prevent escape.”<sup>21</sup> In DA Jointer’s TRR and statement to COPA, he alleged that Mr. ██████ swiftly turned toward him, raised his fists in a fighting posture, and lunged at him, placing DA Jointer in fear of receiving a battery. Video evidence<sup>22</sup> of the altercation does not clearly show Mr. ██████ lunging at DA Jointer, but DA Jointer, DA Minniefield, and Officer Guereca all stated Mr. ██████ threw the first punch.

Regardless of whether Mr. ██████ lunged at or took any assaultive action toward DA Jointer, Mr. ██████ had assumed a fully defensive position by the time DA Jointer began striking him. Mr. ██████ was bent over, with his head down and his right arm covering his face, when DA Jointer threw at least seven closed-fisted punches to Mr. ██████ head and face area. Thus, even if Mr. ██████ was an assailant at the beginning of the altercation, he was no longer an assailant when DA Jointer began punching him. As a result, DA Jointer’s use of force was not authorized by CPD policy. The punches he threw at the defensively postured Mr. ██████ were neither objectively reasonable nor necessary to maintain control of Mr. ██████ the strikes to Mr. ██████ head were far out of proportion to Mr. ██████ actions and level of resistance during the struggle. For all these reasons, COPA finds that the preponderance of the evidence shows DA Jointer’s use of force was excessive and outside of CPD policy, violating Rules 2, 3, 6, 8, and 9 of CPD’s Rules and Regulations. Therefore, the allegation against DA Jointer is **sustained**.

**b. Officer Guereca failed to intervene when DA Jointer struck Mr. ██████ on or about the head without justification.**

COPA finds that Officer Guereca failed to intervene when DA Jointer struck Mr. ██████ without justification. General Order G03-02 requires that “a Department member who directly observes a use of force and identifies the force as excessive or otherwise in violation of this directive will, except in extraordinary circumstances, act to intervene on the subject’s behalf.”<sup>23</sup> Officer Guereca had clear view of the altercation as it occurred, directly observing DA Jointer punch Mr. ██████ multiple times. Officer Guereca told COPA that he did not have a chance to intervene, as DA Amos reached DA Jointer and Mr. ██████ before he did, and DA Amos successfully intervened in the fight. However, COPA notes that DA Amos’ intervention did not relieve Officer Guereca of his own responsibilities under the General Order. The BWC footage shows that Officer Guereca took several steps in the direction of the struggle, but as soon as DA Amos approached, Officer Guereca turned around and walked the other direction. When the altercation moved down the hallway, Officer Guereca did not follow to ensure DA Jointer’s excessive force did not continue. Additionally, at no point during the struggle did Officer Guereca give DA Jointer any verbal commands to stop.

For these reasons, COPA finds the preponderance of the evidence shows that Officer Guereca failed to intervene when he observed DA Jointer use excessive force against Mr.

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<sup>21</sup> General Order G03-02(III)(B), Use of Force (effective February 29, 2020 – April 14, 2021).

<sup>22</sup> Officer Guereca’s BWC video is the only known video recording of the altercation. Although POD cameras were located in the intake area just above the altercation, and Lt. Sosa requested the videos within hours of the incident, it appears that OEMC failed to preserve the video evidence. See Attachment 33, Lt. Sosa’s OEMC Request Form, and CMS Note CO-0105000 detailing COPA Investigators’ examination of Central Detention’s POD installations and video recording/requesting system.

<sup>23</sup> General Order G03-02(V)(B)(1).

Therefore, the allegation against Officer Guereca is **sustained** as a violation of Rules 2, 3, 5, and 6.

### **III. RECOMMENDED DISCIPLINE FOR SUSTAINED ALLEGATIONS**

#### **a. Detention Aide John Jointer**

##### **i. Complimentary and Disciplinary History**

In considering disciplinary recommendations for sustained findings, COPA reviewed DA Jointer's disciplinary and complimentary histories.<sup>24</sup> DA Jointer has one sustained complaint for neglect of duty/conduct unbecoming, for which he received a 1-day suspension in November 2018. He has received 5 total awards.

##### **ii. Recommended Penalty**

COPA has found that DA Jointer violated Rules 2, 3, 6, 8, and 9 of CPD's Rules and Regulations when he forcefully struck Mr. ██████████ on or about the head without justification. DA Jointer's use of force was far out of proportion to the threat and level of resistance posed by Mr. ██████████ and his abusive actions were contrary to the rules, directives, and values of the Chicago Police Department. During his COPA statement, DA Jointer refused to acknowledge he used excessive force, insisting that he "absolutely"<sup>25</sup> believed it reasonable, necessary, and proportional to punch Mr. ██████████ in the face seven times. DA Jointer's conduct constituted a gross breach of public trust and is particularly inexcusable for a detention aide with more than 15 years of experience. As such, COPA finds that separation from the Chicago Police Department is the appropriate penalty for the sustained allegation.

#### **b. Officer Antonio Guereca**

##### **i. Complimentary and Disciplinary History**

In considering disciplinary recommendations for sustained findings, COPA reviewed Officer Guereca's disciplinary and complimentary histories.<sup>26</sup> Officer Guereca has no sustained complaints registered with the Chicago Police Department and no disciplinary history in the past five years. He has received 81 total awards.

##### **ii. Recommended Penalty**

COPA has found that Officer Guereca violated Rules 2, 3, 5, and 6 by failing to intervene when DA Jointer repeatedly punched Mr. ██████████ in the head without justification. As a police officer, Officer Guereca had a duty to give verbal commands and intervene on Mr. ██████████ behalf when he witnessed DA Jointer use excessive force against Mr. ██████████. His failure to do so was contrary to the rules and directives of the Chicago Police Department and constituted a breach of public trust in Department members to intervene when they observe excessive force.

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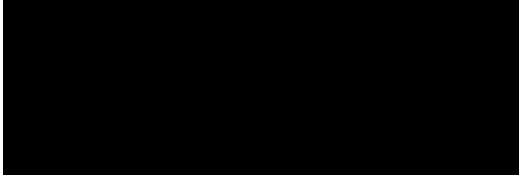
<sup>24</sup> Attachment 35, pgs. 5-8.

<sup>25</sup> Attachment 45, pg. 35, lines 4-11, and pg. 39, lines 1-3.

<sup>26</sup> Attachment 35, pgs. 1-4.

Given Officer Guereca’s years of experience and lack of disciplinary history, COPA recommends that he receive a **15-day suspension**.

Approved:



12/28/2021

\_\_\_\_\_  
Matthew Haynam  
*Deputy Chief Administrator – Chief Investigator*

\_\_\_\_\_  
Date



12/28/2021

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Andrea Kersten  
*Interim Chief Administrator*

\_\_\_\_\_  
Date