



Log # 2021-3934

## FINAL SUMMARY REPORT<sup>1</sup>

### I. EXECUTIVE SUMMARY

On October 3 and 4, 2021, Lieutenant Lawrence Sprandel Jr. of the 10<sup>th</sup> District wrote Initiation Reports<sup>2</sup> regarding the use of force during two arrests that occurred on October 3, 2021, at approximately 3:14 pm in the vicinity of 1408 S. Trumbull Avenue. No specific complainant, victim, or allegations were included in the Initiation Reports. The arrests, of [REDACTED] and [REDACTED], followed the murder of [REDACTED] an apparent relative of [REDACTED] which occurred at approximately 3:05 pm that day outside 3433 W. Douglas Boulevard, around the corner from where the two arrests were made. Lt. Sprandel initiated the reports after he became aware of social media postings, including postings on Facebook, questioning the use of force in the two arrests, which were made by Sergeant Karl Kruger and other officers from the 10<sup>th</sup> District. COPA was made aware of, and obtained, a social media video<sup>5</sup> that recorded some of the actions of Sgt. Kruger and his fellow officers in [REDACTED] arrest. The video specifically recorded Sgt. Kruger punching or attempting to punch [REDACTED]. The body worn camera (BWC) video from Sgt. Kruger and other officers provided different perspectives of the officers' actions in both arrests.

COPA placed allegations against Sgt. Kruger, that he used profanity toward [REDACTED] and failed to de-escalate the incident to prevent or reduce the need for force in his encounter with him. Additionally, COPA alleged that Officers Timothy Silva and Antonio Godinez directed profanities at persons on the scene, and that Officers Silva and Ognjen Shaljanin pushed [REDACTED] without justification. COPA also accused Officer Silva of pushing an unidentified man on the scene and forcing [REDACTED] head against the roof of a parked car without justification. Neither [REDACTED] nor [REDACTED] provided interviews to COPA. Following its investigation, COPA reached sustained, not sustained, and exonerated findings for all the allegations.

### II. SUMMARY OF EVIDENCE<sup>6</sup>

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<sup>1</sup> Appendix A includes case identifiers such as the date, time, and location of the incident, the involved parties and their demographics, and the applicable rules and policies.

<sup>2</sup> Attachment 1. Because “use of force” was referenced by Lt. Sprandel, the case fell within COPA’s jurisdiction pursuant to Chicago Municipal Code § 2-78-120.

<sup>3</sup> For this report, [REDACTED] will be referred to as [REDACTED]

<sup>4</sup> For this report, [REDACTED] will be referred to as [REDACTED]

<sup>5</sup> Att. 12

<sup>6</sup>The following is a summary of what COPA finds most likely occurred during this incident. This summary utilized information from several different sources, including third-party video, BWC footage, police reports, evidence technician photos, officer interviews, and COPA reports.

On October 3, 2021, at approximately 3:05 pm, ██████████ was found outside 3433 W. Douglas Boulevard with a gunshot wound to his head. He was transported to Mount Sinai Hospital and pronounced dead at 3:39 pm.<sup>7</sup> Various persons, including ██████████<sup>8</sup> an apparent relative of the deceased, and ██████████ gathered near the shooting scene. Sgt. Kruger and Officers Silva, Godinez, and Shaljanin, as well as other officers, arrived on the scene and strung up tape to isolate the crime scene. Sgt. Kruger and other officers repeatedly told persons on the scene to stay behind the crime scene tape, and several of those persons complied.<sup>10</sup> Officer Godinez used profanity while telling an unidentified male black, who was holding what appeared to be a liquor bottle, to “get the fuck out of here.”<sup>11</sup> Officer Silva directed profanities at another unidentified male black, telling him to “get the fuck out of here” and pushing him away from where ██████████ and Sgt. Kruger were fighting.<sup>12</sup>

When ██████████ initially did not comply with the officers’ directions, officers moved him outside the tape on Trumbull Avenue.<sup>13</sup> Several persons were standing near ██████████ and one of them, an unidentified male black, was holding what appeared to be a liquor bottle.<sup>14</sup> Sgt. Kruger directed profanities at ██████████<sup>15</sup> using “fuck” and “motherfucker.” Sgt. Kruger exchanged words with the unidentified male holding the liquor bottle.<sup>16</sup> Sgt. Kruger went under the red crime scene tape, and ██████████ stepped between Sgt. Kruger and the male holding the liquor bottle.<sup>17</sup> The social media video depicted Sgt. Kruger pushing at ██████████ who put his right hand on the left side of Sgt. Kruger’s waist.<sup>18</sup> ██████████ assumed a boxer’s stance, and his left fist is at one point near Sgt. Kruger’s face.<sup>19</sup> Sgt. Kruger punched at ██████████ three times, his fist seeming to make contact twice.<sup>20</sup> ██████████ backed up, but ██████████ left arm and hand were raised toward Sgt. Kruger before the fight ended.<sup>21</sup> Sgt. Kruger and other officers put ██████████ onto the parkway grass, where he was handcuffed.<sup>22</sup> Sgt. Kruger then referred to ██████████ having suspect narcotics on him “pretty fucking stupid.”<sup>23</sup>

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<sup>7</sup> Att. 10.

<sup>8</sup> Att. 14 at 03:07; ██████████ was a thin Black male wearing a blue sweatshirt and blue jeans, with a baseball cap worn backwards.

<sup>9</sup> Att. 42 at 09:44, ██████████ was a thin Black male wearing a black sleeveless t-shirt, green camouflage pants and holding a cigarette in his left hand.

<sup>10</sup> Att. 14 at 05:34; Att. 42 at 07:39; Att. 44 at 04:27; and Att. 45 at 03:58.

<sup>11</sup> Att. 44 at 5:23.

<sup>12</sup> Att. 45 at 2:23.

<sup>13</sup> Att. 14, at 06:24.

<sup>14</sup> Att. 14 at 06:52.

<sup>15</sup> Att. 14 at 06:22, 6:26, 7:09.

<sup>16</sup> Att. 14 at 06:56.

<sup>17</sup> Att. 14 at 07:01.

<sup>18</sup> Att. 12 at 0:25.

<sup>19</sup> Att. 86 at 05:56.

<sup>20</sup> Att. 12 starting at 00:24.

<sup>21</sup> Att. 12 at 0:28.

<sup>22</sup> Att. 14 at 07:10.

<sup>23</sup> Att. 14 at 8:11.

In his Tactical Response Report (TRR)<sup>24</sup> and during his COPA statement,<sup>25</sup> Sgt. Kruger said he approached the male holding the liquor bottle to investigate his apparent drinking on the public way. The TRR continued that ██████ obstructed Sgt. Kruger and wrapped his hands around Sgt. Kruger's waist. Sgt. Kruger felt his holstered service weapon move as if it had been grabbed by ██████ left hand. Sgt. Kruger added that he pushed ██████ to create distance between them. ██████ swung at Sgt. Kruger's face with his left hand while his right hand was clenched in a fist. Sgt. Kruger moved to avoid the attack and punched ██████ in the face. ██████ grabbed Sgt. Kruger's arm and grabbed at Sgt. Kruger's chest. Sgt. Kruger punched toward ██████ but did not connect. ██████ continued having his left arm across Sgt. Kruger's chest, with his hand swinging near Sgt. Kruger's face. ██████ grabbed the left side of Sgt. Kruger's chest and left arm. Sgt. Kruger punched ██████ then grabbed ██████ and took him down to the ground. He was transported to the 10<sup>th</sup> District. The TRR indicated ██████ was under the influence of alcohol/drugs. The TRR also indicated Sgt. Kruger was 6 feet 2 inches tall and 240 pounds.

In his TRR,<sup>26</sup> Officer Godinez said ██████ refused to vacate the crime scene. Officer Godinez observed ██████ grab Sgt. Kruger with both arms across his body. Officer Godinez grabbed ██████ and conducted an emergency takedown. While ██████ was on the ground, Officer Godinez employed an armbar hold to gain control of ██████ and handcuff him. As with Sgt. Kruger's TRR, Officer Godinez's TRR indicated ██████ was under the influence of alcohol/drugs.

In his Initiation Report,<sup>27</sup> Lt. Sprandel said he interviewed ██████ at the 10<sup>th</sup> District station at 4:30 pm. ██████ did not make any allegations and said he was not injured. ██████ said, in summary, that he was upset because his cousin had been shot. ██████ had a small scratch in front of his left ear, which ██████ said was caused by picking at his skin. Lt. Sprandel did not observe any other injuries and his condition appeared normal. An evidence technician was requested to photograph ██████

The E.T. photos<sup>28</sup> of ██████ depicted him sitting on a bench in the District station. The small scratch in front of his left ear was visible. No other injuries to his head or hands were apparent.

The Visual Check of Arrestee in ██████ Arrest Report<sup>29</sup> indicated he had no obvious pain or injury. The narrative contained a description of the incident that was essentially the same as described in Sgt. Kruger's TRR. Officers found suspect crack cocaine in ██████ pants pocket. He was charged with possession of a controlled substance, resisting an officer, misdemeanor battery, and simple assault. ██████ Arrest Report indicated he was 5 feet 11 inches tall and weighed 165 pounds.

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<sup>24</sup> Att. 72.

<sup>25</sup> Att. 80 at 14:20; Att. 97, pg. 14, lns. 19 to 22.

<sup>26</sup> Att. 71.

<sup>27</sup> Att. 1.

<sup>28</sup> Att. 64.

<sup>29</sup> Att. 2.

Following [REDACTED] arrest, [REDACTED] was depicted in Officer Shaljanin's BWC video inside the crime scene along Trumbull Avenue.<sup>30</sup> Upon instruction from officers, [REDACTED] walked outside the crime scene tape.<sup>31</sup> However, [REDACTED] re-entered the crime scene,<sup>32</sup> and Officers approached him and told him to go outside the tape. Officer Silva pushed [REDACTED] and directed profanities at him, telling him to "get the fuck out of here."<sup>34</sup> [REDACTED] resisted leaving the crime scene, and Officers shoved him toward the tape. [REDACTED] shoved Officer Shaljanin, who then shoved [REDACTED].<sup>35</sup> [REDACTED] raised his right arm<sup>36</sup> toward Officer Shaljanin. Officer Shaljanin shoved [REDACTED] to direct him under the tape. Officer Silva grabbed [REDACTED] by his arms and moved him against a car parked at the west curb of Trumbull Avenue.<sup>37</sup> At one point, Officer Silva forced [REDACTED] head near the upper rear, driver's side, of the car.<sup>38</sup> His head did not appear to have contact with the car. Officer Silva and other Officers held [REDACTED] arms and hands to handcuff him. In Sgt. Kruger's BWC video, while Officer Silva held [REDACTED] against the parked car, Officer Silva's right arm contacted [REDACTED] left shoulder and possibly forced [REDACTED] chin against the roof of the car, based on a sound that occurred when [REDACTED] chin was close to the roof.<sup>39</sup>

[REDACTED] Arrest Report<sup>40</sup> indicated he was charged with resisting a peace officer. The narrative said [REDACTED] disobeyed Officer Silva's commands to exit the crime scene and resisted by pulling his arms away and stiffening his body to defeat the arrest. The Visual Check of Arrestee indicated [REDACTED] had no obvious pain or injury.

Officer Silva's TRR<sup>41</sup> regarding his contact with [REDACTED] included a narrative similar to that in [REDACTED] Arrest Report. [REDACTED] was accused of disobeying commands to exit the crime scene, being verbally abusive toward Officer Silva, and resisting arrest. Officer Silva used wristlock tactics to control [REDACTED]. Lt. Sprandel Jr. reported that Sgt. Kruger verbally directed Officer Silva to arrest [REDACTED] who tried to pull away from Officer Silva and flee. Officer Silva pushed [REDACTED] against a parked vehicle to gain control of him.

In Lt. Sprandel Jr.'s review of Officer Silva's TRR, he said [REDACTED] told him that he, [REDACTED] made a small mistake on the crime scene, and he was upset because a close friend had been shot. [REDACTED] said he was not injured and did not need medical care. [REDACTED] also said his left wrist was sore from glass that had gotten in it during an unrelated incident. He declined medical attention for the wrist. Lt. Sprandel Jr. said neither [REDACTED] nor [REDACTED] made allegations about police conduct.

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<sup>30</sup> Att. 42 at 10:38.

<sup>31</sup> Att. 42 at 09:44.

<sup>32</sup> Att. 42 at 10:38.

<sup>33</sup> Att. 45 at 4:04.

<sup>34</sup> Att. 45 at 4:12.

<sup>35</sup> Att. 42 at 11:18.

<sup>36</sup> Att. 42 at 11:17.

<sup>37</sup> Att. 42 at 11:22.

<sup>38</sup> Att. 96 at 01:21, Att. 92 at 09:19.

<sup>39</sup> Att. 14 at 9:30, 9:31. However, when the video is played frame-by-frame, [REDACTED] chin does not appear to touch the roof.

<sup>40</sup> Att. 7.

<sup>41</sup> Att. 75.

Officers Joshua Pietryla and Jacob Garza completed TRRs<sup>42</sup> for their contact with [REDACTED]. Both Officers described [REDACTED] as failing to follow verbal direction to leave the crime scene. Both assisted in placing [REDACTED] into custody. [REDACTED] had no apparent injury.

The social media video,<sup>43</sup> which lasts 30 seconds and was shot from an upper floor of an apartment building on Trumbull Avenue, depicted the incident starting just before Sgt. Kruger goes under the crime scene tape and is blocked by [REDACTED]. The video ended after the fight between Sgt. Kruger and [REDACTED]. COPA spoke with a female,<sup>44</sup> who would not identify herself and said she did not witness the incident. She said she lived at the apartment building at [REDACTED] and that a person on the third floor of her building video-recorded the incident and uploaded it to social media, but she would not identify that person.

[REDACTED] did not respond to multiple attempts by COPA to interview him.<sup>45</sup>

In an Electronically Recorded Interview (ERI),<sup>46</sup> Detective Shaniece Neighbors questioned [REDACTED] about what she described as an aggravated battery to a police officer. The interview occurred at the 10<sup>th</sup> District lockup on the date of the incident at approximately 8:25 p.m. Regarding the incident, [REDACTED] said he had gone to a store and then walked across the park to where his cousin was sitting on a porch eating chips. [REDACTED] stood at a corner. He was on his phone with his mother, and his cousin was talking to somebody when [REDACTED] heard gunshots.<sup>47</sup> [REDACTED] dropped low. He stood up and tried to see a license plate of a white car that drove by. He turned and saw his cousin as a crowd formed. He did not know what was going on and then saw officers coming toward him. Officers told him to calm down. Punches were thrown at him. [REDACTED] ended up in handcuffs. He heard people say the police were arresting the wrong person. [REDACTED] said the officers tried to push him back as he told them, "That's my cousin right there."<sup>48</sup> In the ERI, [REDACTED] moved his left hand forward repeatedly, showing how he reacted toward the Officers while making that comment. [REDACTED] demonstrated how his cousin was lying on a step. He said he was trying to see if his cousin was okay. The cousin's blood was on the concrete. [REDACTED] said he knew his cousin was dead because of the blood.

When Det. Neighbors mentioned the "aggravated battery" investigation, [REDACTED] reacted by saying the officer was bigger than him, and yet, "I'm aggravating him?"<sup>49</sup> [REDACTED] seemed to say there was no physical force used against the officer. [REDACTED] said the officer assaulted him; he did not assault the officer. [REDACTED] said he thought he heard an officer say, "He grabbed for my gun,"<sup>50</sup> during the incident, but he denied doing that. [REDACTED] called it "an awkward moment."<sup>51</sup>

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<sup>42</sup> Atts. 73, 74.

<sup>43</sup> Att. 12.

<sup>44</sup> Att. 67.

<sup>45</sup> Atts. 56 to 58, 70.

<sup>46</sup> Att. 41.

<sup>47</sup> Att. 41 at 6:00, 6:57.

<sup>48</sup> Att. 41 at 8:43.

<sup>49</sup> Att. 41 at 9:34.

<sup>50</sup> Att. 41 at 10:06.

<sup>51</sup> Att. 41 at 10:57.

██████ declined to be interviewed by COPA.<sup>52</sup> On October 3, 2022, attorneys for ██████ filed a civil suit<sup>53</sup> on his behalf in U.S. District Court regarding the incident on October 3, 2021. On November 10, 2022, an attorney, ██████ ██████ told COPA that after ██████ is deposed, she could send COPA ██████ deposition transcript.

In Circuit Court, ██████ was found not guilty of resisting an officer, but was found guilty of battery. The assault charge was dropped. He was sentenced to seven days in jail and was given credit for time served. ██████ resisting charge was stricken with leave to reinstate.<sup>55</sup>

In his COPA statement,<sup>56</sup> Sgt. Kruger described how he and other officers tried telling ██████ and others to get back from the crime scene. ██████ appeared to be under the influence of something.<sup>57</sup> Sgt. Kruger described how he went under the red perimeter tape to engage the man who was suspected of drinking on the public way and how ██████ got between him and the suspected drinker.<sup>58</sup> ██████ placed his arms around Sgt. Kruger and brushed against his gun. After ██████ left arm came up near Sgt. Kruger's face, Sgt. Kruger punched at ██████ striking him twice.<sup>59</sup>

Sgt. Kruger acknowledged he used profanity, such as the word, "fuck," in talking with ██████<sup>60</sup> He added that he did not use profanity until after ██████ inadvertently spat in his face,<sup>61</sup> and he was not cussing out people for no reason.<sup>62</sup> Sgt. Kruger said he did not know if video showed ██████ spit. The man who was suspected of drinking on the public way retreated during the incident. Sgt. Kruger was not able to investigate his conduct.

Regarding the allegation that he failed to use de-escalation techniques to avoid having to punch ██████ Sgt. Kruger said there were no such techniques he could have used. Sgt. Kruger said ██████ wrapped his arms around him, and he believed ██████ grabbed his gun. "There was nothing I could do to de-escalate."<sup>63</sup> Sgt. Kruger said there was no time for him to issue a warning to ██████ because he thought ██████ was trying to disarm him.<sup>64</sup>

In his COPA statement, Officer Godinez acknowledged directing profanities at the unidentified male who was holding a bottle when that male initially refused to leave the crime scene. Officer Godinez told him to "get the fuck out of here," and that he was going to be locked

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<sup>52</sup> Atts. 54, 55, 70; also, phone calls on November 8<sup>th</sup> and 19<sup>th</sup>, 2021, recorded in Notes.

<sup>53</sup> Att. 78.

<sup>54</sup> Att. 112.

<sup>55</sup> Att. 84.

<sup>56</sup> Att. 97.

<sup>57</sup> Att. 97, pg. 13, ln. 24; pg. 14, lns. 1 to 5.

<sup>58</sup> Att. 97, pg. 23, lns. 6 to 24; pg. 32, lns. 16 to 17.

<sup>59</sup> Att. 97, pg. 15, lns. 2 to 18.

<sup>60</sup> Att. 97, pg. 26, lns. 9, 18.

<sup>61</sup> Att. 97, pg. 26, lns. 12 to 14; pg. 56, lns. 20 to 23; Att. 14, at 6:22.

<sup>62</sup> Att. 97, pg. 33, lns. 3 to 4.

<sup>63</sup> Att. 97, pg. 41, lns. 1 to 8.

<sup>64</sup> Att. 97, pg. 50, lns. 11 to 12.

up for “fucking drinking.”<sup>65</sup> The unidentified male had been irate and swore at Officer Godinez.<sup>66</sup> The unidentified male eventually left the crime scene. Officer Godinez explained his use of the profanities by saying some persons do not listen until they are spoken to a little bit more aggressively.<sup>67</sup>

In his COPA statement, Officer Shaljanin said he and other Officers tried to keep persons out of the crime scene.<sup>68</sup> He observed █████ enter the crime scene, and he told █████ to stay out of it. Officer Shaljanin saw █████ cross the crime scene tape again, and Officer Shaljanin told him again to exit the scene and directed him that way. █████ shoved Officer Shaljanin.<sup>69</sup> █████ also possibly flipped a cigarette at him.<sup>70</sup> Officer Shaljanin put the back of his hand on █████ chest and escorted him out of the crime scene. Officer Shaljanin said he did not know if there was a physical shove, but called the incident a scuffle.<sup>71</sup> He denied that he pushed █████ without justification, saying what he did was justified in keeping █████ out of the crime scene.<sup>72</sup>

In his COPA statement,<sup>73</sup> Officer Silva said he came into contact with █████ because █████ had entered the crime scene. Officer Shaljanin attempted to escort █████ out of the scene, and Officer Silva went over to assist. Officer Silva told █████ to go, but he “kind of” disobeyed the orders, so the officers used open hands to escort him out.<sup>74</sup> The officers pushed him to physically remove him from the crime scene.<sup>75</sup>

Officer Silva’s BWC indicated that he went under the red tape along Trumbull Avenue because of an altercation involving Sgt. Kruger and Officer Shaljanin.<sup>76</sup> Regarding the allegation that Officer Silva directed profanities at an unidentified Black male, Officer Silva, upon reviewing his BWC video, said he remarked, “Let’s f-ing go. Get out. Get the f out, stuff like that.”<sup>77</sup> Officer Silva said in his COPA statement that he used that language for effect and to direct the Black male away. He said it was a hectic crime scene with chaos everywhere. When asked if it seemed like he pushed the Black male, Officer Silva answered that the Black male turned around quickly and looked like he had a fist raised. The Officers were trying to get the Black male back even further. Officer Silva said his pushing him was justified.<sup>78</sup> He categorized █████ as an active resister.<sup>79</sup>

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<sup>65</sup> Att. 106, pg. 17, lns. 15 to 18.

<sup>66</sup> Att. 106, pg. 18, lns. 9 to 10.

<sup>67</sup> Att. 106, pg. 19, lns. 11 to 2.

<sup>68</sup> Att. 101, pg. 13, lns. 5 to 6.

<sup>69</sup> Att. 101, pg. 13, ln. 24; pg. 14, lns. 1 to 2.

<sup>70</sup> Att. 101, pg. 24, lns. 17 to 18.

<sup>71</sup> Att. 101, pg. 16, lns. 5 to 10.

<sup>72</sup> Att. 101, pg. 22, lns. 7 to 18.

<sup>73</sup> Att. 111.

<sup>74</sup> Att. 111, pg. 16, lns. 3 to 15.

<sup>75</sup> Att. 111, pg. 16, lns. 13 to 15.

<sup>76</sup> Att. 111, pg. 18, lns. 6 to 11.

<sup>77</sup> Att. 111, pg. 17, lns. 3 to 4; Att. 45 at 2:25 Officer Silva says, “Get the fuck out of here” while pushing the unidentified Black male.

<sup>78</sup> Att. 111, pg. 21, lns. 21 to 24; pg. 22, lns. 1 to 4.

<sup>79</sup> Att. 111, pg. 24, ln. 10.

Regarding the allegation that he directed profanities at ██████ Officer Silva acknowledged that he used profanity in that he said, "Get the f out of the crime scene," to ██████<sup>80</sup>

As to whether he forced ██████ head against the roof of the parked car without justification, Officer Silva denied the allegation "wholeheartedly." He also denied, to his knowledge, forcing ██████ head against any part of the car. Officer Silva acknowledged having his right arm on ██████ left shoulder blade area when ██████ was near the car. He was trying to free up ██████ arms so he could be handcuffed. Officer Silva said he and ██████ ended up on a vehicle, but he denied trying to push ██████ face into the vehicle.

### III. ALLEGATIONS

#### **Sergeant Karl Kruger:**

1. Using profanity when speaking to the subject, ██████ prior to, during and after he was placed under arrest.

- Sustained, Violation of Rules 2, 3, 8, 9.

2. Failing to use de-escalation techniques, including distancing, to prevent or reduce the need for force when he encountered ██████

- Not Sustained.

#### **Officer Antonio Godinez:**

1. Directing profanities at an unidentified Black male who was holding a bottle.

- Sustained, Violation of Rules 2, 3, 8, 9.

#### **Officer Ognjen Shaljanin:**

1. Pushing ██████ without justification.

- Exonerated.

#### **Officer Timothy Silva:**

1. Directing profanities at an unidentified Black male.

- Sustained, Violation of Rules 2, 3, 8, 9.

2. Pushing the same Black male without justification.

- Exonerated.

3. Directing profanities at ██████

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<sup>80</sup> Att. 111, pg. 27, lns. 8 to 11.



- Sustained, Violation of Rules 2, 3, 8, 9.
4. Pushing ██████████ without justification.
    - Exonerated.
  5. During his arrest, forcing ██████████ head against the roof of a parked car without justification.
    - Not Sustained.

#### IV. CREDIBILITY ASSESSMENT

This investigation did not reveal any evidence that caused COPA to question the credibility of any of the individuals (sworn or unsworn) who provided statements or information.

#### V. ANALYSIS<sup>81</sup>

COPA finds that **Allegation #1 against Sgt. Kruger**, that he used profanity when speaking to the subject, ██████████ prior to, during and after he was placed under arrest, is **Sustained**. In his COPA statement, Sgt. Kruger admitted using the words “fuck” and “motherfucker” while talking to ██████████ and calling him “pretty fucking stupid.”

Sgt. Kruger’s language violated rules and at least one regulation of CPD. Sgt. Kruger was a ranking CPD officer on the scene of a preliminary investigation of a murder. General Order G04-01, Preliminary Investigations, requires CPD members to “interact with victims, witnesses, and community members with courtesy, dignity, and respect.”<sup>82</sup> Sgt. Kruger’s interaction with ██████████ lacked courtesy, dignity and respect. He violated the General Order and Rules 2, 3, 8, and 9. It is noted that Sgt. Kruger did not speak discourteously to other persons on the scene.

COPA finds that **Allegation #2 against Sgt. Kruger**, that he failed to use de-escalation techniques, including distancing, to prevent or reduce the need for force when he encountered ██████████ is **Not Sustained**.

The third-party video, recorded from above the scene, and BWC indicated Sgt. Kruger went under the crime-scene tape during a hectic incident to investigate the male who had an apparent liquor bottle in his hand. After Sgt. Kruger approached the male with the liquor bottle, ██████████ stepped in front of Sgt. Kruger, placed his arms around Sgt. Kruger’s waist and attempted to fight him. At least one of his fists came close to Sgt. Kruger’s face. Sgt. Kruger initially pushed ██████████ and then punched him. Officers assisted Sgt. Kruger in placing ██████████ in custody. Sgt. Kruger was defending himself when ██████████ confronted him.

<sup>81</sup>For a definition of COPA’s findings and standards of proof, *see* Appendix B.

<sup>82</sup>Att. 113, General Order G04-01, Preliminary Investigations, V, Treatment of Victims, Witnesses, and Community Members, A.

On the other hand, it can be argued that Sgt. Kruger did not employ de-escalation techniques, including distancing, when he went under the red tape after the male with the liquor bottle. Sgt. Kruger could have ignored the male with the liquor bottle and continued to supervise the preservation of a murder crime scene from inside the scene, as he had up to that point. A murder crime scene's preservation was more important than a man drinking on the public way. After Sgt. Kruger went under the tape and was confronted by ██████████ the fight that ensued was seemingly one-sided, given the height and weight advantage Sgt. Kruger had over ██████████ and the perception by Sgt. Kruger that ██████████ was under the influence of a substance. However, neither Sgt. Kruger nor ██████████ were injured in the fight. There is insufficient evidence to prove the allegation by a preponderance of the evidence.

COPA finds that **Allegation #1 against Officer Godinez**, that he directed profanities at an unidentified Black male who was holding a bottle, is **sustained**. As with Sgt. Kruger, Officer Godinez was required to treat community members with courtesy, dignity and respect, but Officer Godinez told the Black male to "get the fuck out of here." He violated General Order 04-01 and Rules 2, 3, 8 and 9.

COPA finds that **Allegation #1 against Officer Shaljanin**, that he pushed ██████████ without justification, is **exonerated**. Several times, ██████████ disobeyed lawful orders to leave the crime scene, and he physically resisted being escorted out of the scene. Officer Shaljanin was required to "only resort to the use of force when required under the circumstances to serve a lawful purpose."<sup>83</sup> His pushing ██████████ was part of escorting him from an active crime scene.

COPA finds that **Allegation #1 against Officer Silva**, that he directed profanities at an unidentified Black male, is **sustained**. As summarized in this report, Officer Silva acknowledged telling the unidentified Black male to get out of the area, using the word "fuck" for emphasis. As with Sgt. Kruger and Officer Godinez, Officer Silva violated General Order 04-01 and Rules 2, 3, 8 and 9.

COPA finds that **Allegation #2 against Officer Silva**, that he pushed that same unidentified Black male without justification, is **exonerated** for the same reasoning the same allegation was exonerated against Officer Shaljanin. In addition, in Officer Silva's case, he was pushing the unidentified Black male away from both the scene and the fight between Sgt. Kruger and ██████████

COPA finds that **Allegation #3 against Officer Silva**, that he directed profanities at ██████████ is **sustained**. As with Sgt. Kruger and Officer Godinez, Officer Silva was required to treat community members with courtesy, dignity and respect, but Officer Silva told ██████████ to "get the fuck out of here." He violated General Order 04-01 and Rules 2, 3, 8 and 9.

COPA finds that **Allegation #4 against Officer Silva**, that he pushed ██████████ without justification, is **exonerated** for the same reasoning the same allegation was exonerated against Officer Shaljanin. Officer Silva pushed ██████████ to force him away from the crime scene.

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<sup>83</sup> Att. 81, General Order G03-02, De-escalation, Response to Resistance, and Use of Force, II, C.

COPA finds that **Allegation #5 against Officer Silva**, that he forced [REDACTED] head against the roof of a parked car without justification, is **not sustained**. As described in this summary, even though Officer Silva had [REDACTED] head close to the body of the parked car, the evidence was inconclusive as to whether [REDACTED] head contacted the car. [REDACTED] did not place allegations against any officer, and he had no evidence of injury.

## **VI. DISCIPLINARY RECOMMENDATION**

### **a. Sergeant Karl Kruger**

#### **i. Complimentary and Disciplinary History<sup>84</sup>**

Sergeant Kruger has received a total of 361 awards, including one Life Saving award, 19 Department commendations, two complimentary letters, two crime reduction awards, and 307 honorable mentions. He has no sustained disciplinary history in the past five years.

#### **ii. Recommended Discipline**

Here, COPA has found that Sergeant Kruger used profanity when speaking to [REDACTED] [REDACTED] violating Rules 2, 3, 8, and 9. Because of his lack of disciplinary history, COPA recommends that Sergeant Kruger be reprimanded.

### **b. Officer Antonio Godinez**

#### **i. Complimentary and Disciplinary History<sup>85</sup>**

Officer Antonio Godinez has received a total of 160 awards, including seven Department commendations, 148 honorable mentions, and one complimentary letter. He has no sustained disciplinary history in the past five years.

#### **ii. Recommended Discipline**

Here, COPA has found that Officer Godinez directed profanities at an unidentified Black male who was holding a bottle, violating Rules 2, 3, 8, and 9. Because of his lack of disciplinary history, COPA recommends that Officer Godinez be reprimanded.

### **c. Officer Timothy Silva**

#### **i. Complimentary and Disciplinary History<sup>86</sup>**

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<sup>84</sup> Att. 116.

<sup>85</sup> Att. 115.

<sup>86</sup> Att. 117.

Officer Timothy Silva has received a total of 34 awards, including 33 honorable mentions and one crime reduction award. He had three SPARS in 2022 for which he was reprimanded. The SPARS were for failure to perform an assigned task, neglect of duty and being involved in a preventable accident.

**ii. Recommended Discipline**

Here, COPA has found that Officer Silva directed profanities at the unidentified Black male and at [REDACTED] violating Rules 2, 3, 8, and 9. Because of his lack of disciplinary history, COPA recommends that Officer Silva be reprimanded.

Approved:



\_\_\_\_\_  
Angela Hearts-Glass  
*Deputy Chief Investigator*

4-6-2023

\_\_\_\_\_  
Date

Appendix A**Case Details**

Date/Time/Location of Incident:	October 3, 2021 / 3:14 pm / ██████████, Chicago, IL 60623.
Date/Time of COPA Notification:	October 3, 2021 / 6:19 pm.
Involved Officer #1:	Sergeant Karl Kruger / Star #1505 / Employee ID # ██████████ / DOA: May 22, 2006 / Detailed Unit: 193 / Male / White.
Involved Officer #2:	Officer Antonio Godinez / Star #19613 / Employee ID # ██████████ / DOA: February 20, 2018 / Unit: 010 / Male / Hispanic.
Involved Officer #3:	Officer Ognjen Shaljanin / Star #8155 / Employee ID # ██████████ / DOA: July 17, 2017 / Unit: 010 / Male / White.
Involved Officer #4:	Officer Timothy Silva / Star #14597 / Employee ID ██████████ / DOA: July 27, 2018 / Unit: 010 / Male / Hispanic.
Involved Individual #1:	██████████ / Male / Black.
Involved Individual #2:	██████████ / Male / Black

**Applicable Rules**

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- Rule 2:** Any action or conduct which impedes the Department's efforts to achieve its policy and goals or brings discredit upon the Department.
- Rule 3:** Any failure to promote the Department's efforts to implement its policy or accomplish its goals.
- Rule 5:** Failure to perform any duty.
- Rule 6:** Disobedience of an order or directive, whether written or oral.
- Rule 8:** Disrespect to or maltreatment of any person, while on or off duty.
- Rule 9:** Engaging in any unjustified verbal or physical altercation with any person, while on or off duty.
- Rule 10:** Inattention to duty.
- Rule 14:** Making a false report, written or oral.
- Rule 38:** Unlawful or unnecessary use or display of a weapon.
- Rule \_\_:** *[Insert text of any additional rule(s) violated]*

**Applicable Policies and Laws**

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- General Order G03-02, De-escalation, Response To Resistance, And Use Of Force (effective April 15, 2021 – present).
- General Order G04-01, Preliminary Investigations (effective December 30, 2020—present).

## Appendix B

### **Definition of COPA’s Findings and Standards of Proof**

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 allegation 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 a proposition is proved.<sup>87</sup> For example, if the evidence gathered in an investigation establishes that it is more likely that the conduct complied with CPD policy than that it did not, 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. 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.”<sup>88</sup>

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<sup>87</sup> 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 is found to be more probably true than not).

<sup>88</sup> *People v. Coan*, 2016 IL App (2d) 151036, ¶ 28 (quoting Illinois Pattern Jury Instructions, Criminal, No. 4.19 (4<sup>th</sup> ed. 2000)).

**Appendix C**

**Transparency and Publication Information**

Check all that apply:

- Abuse of Authority
- Body Worn Camera Violation
- Coercion
- Death or Serious Bodily Injury in Custody
- Domestic Violence
- Excessive Force
- Failure to Report Misconduct
- False Statement
- Firearm Discharge
- Firearm Discharge – Animal
- Firearm Discharge – Suicide
- Firearm Discharge – Unintentional
- First Amendment
- Improper Search and Seizure – Fourth Amendment Violation
- Incidents in Lockup
- Motor Vehicle Incidents
- OC Spray Discharge
- Search Warrants
- Sexual Misconduct
- Taser Discharge
- Unlawful Denial of Access to Counsel
- Unnecessary Display of a Weapon
- Use of Deadly Force – other
- Verbal Abuse
- Other Investigation