



Log # 2023-0002319

FINAL SUMMARY REPORT

I. EXECUTIVE SUMMARY

On May 30, 2023, the Civilian Office of Police Accountability (COPA) received an Initiation Report¹ from Lieutenant Richard Delfice reporting alleged misconduct by a member of the Chicago Police Department (CPD). Lieutenant Delfice alleged that on May 29, 2023, Officer Stephanie Garriga used excessive force by placing her hand on the throat/neck of subject/arrestee [REDACTED]. Upon review of the evidence, COPA served that allegation to Officer Garriga. Following its investigation, COPA reached an exonerated finding regarding the allegation.

II. SUMMARY OF EVIDENCE

Officer Garriga and her partner, Officer Nathaniel Hollis, transported [REDACTED] to the 015th District Station, following her arrest for Domestic Battery and Assault. Upon arriving at the Sally Port, Officer Garriga removed [REDACTED] from the vehicle to escort her to lock-up. [REDACTED] became physically aggressive by pulling away, causing Officer Garriga to lose control of her. Officers Garriga and Hollis struggled to gain control of [REDACTED] lunged towards Officer Garriga, causing her nose to touch Officer Garriga's mouth. To create distance between them, Officer Garriga placed her left hand on [REDACTED] shoulder/upper right chest area and pushed [REDACTED] away.² As Officer Garriga redirected [REDACTED] her hand moved toward [REDACTED] collarbone/neck area. Officer Garriga immediately removed her hand. Officer Garriga and Hollis regained control of [REDACTED] and escorted her to lock-up.³

Lieutenant Delfice viewed Officer Hollis' Body Worn Camera (BWC).⁴ Lieutenant Delfice interviewed [REDACTED] and asked her about the use of force, to which she replied, "What use of force, I don't know what your asking?"⁵ Lieutenant Delfice related Officer Garriga attempted to control [REDACTED] when [REDACTED] moved her head toward Officer Garriga's mouth area. Officer Garriga pushed [REDACTED] away, at which time Officer Garriga's hand could be seen on [REDACTED] neck. Given the nature of the contact, Lieutenant Delfice recommended this incident be further reviewed by COPA.⁶

¹ Att. 6

² Att. 3 at 1:55

³ Att. 15, 16. Att. 18 at 7:15.

⁴ Att. 3

⁵ Att. 6.

⁶ Att. 6, 16.

During a domestic incident, [REDACTED] was arrested for battering the victim, [REDACTED]. [REDACTED] sustained a laceration to her left arm and swelling to her forehead. [REDACTED] was taken for medical treatment to West Suburban Hospital but refused treatment. Evidence Technician's photographs were taken of [REDACTED].⁷

Based on the advice of her Public Defender, [REDACTED] refused to provide a statement to COPA regarding this matter.⁸

III. ALLEGATIONS

Officer Stephanie Garriga:

1. Used excessive force by placing your hand on Arrestee [REDACTED] throat/neck per Lieutenant Richard Delfice.

- Exonerated

IV. CREDIBILITY ASSESSMENT

In a statement, Officer Garriga essentially related the same account of the incident as she related in her Tactical Response Report (TRR). In addition, Officer Garriga related that [REDACTED] resisted when she was initially taken into custody. Officer Garriga smelled alcohol on [REDACTED] breath and related that [REDACTED] admitted to arresting officers that she was under the influence of alcohol.⁹ COPA does not find any evidence that diminishes the credibility of Officer Garriga.

V. ANALYSIS

COPA finds Allegation #1 against Officer Garriga that she used excessive force by placing her hand on Arrestee [REDACTED] throat/neck is Exonerated. An active resister is "a person who attempts to create distance between himself or herself and the member's reach with the intent to avoid physical control and/or defeat the arrest."¹⁰ Active resistance includes evasive movements. Officers are permitted to apply holding and compliance techniques to gain control and compliance.¹¹

BWC shows that Officer Garriga's hand did come into contact with [REDACTED] throat/neck as she attempted to gain control of [REDACTED]. Officer Garriga, who is smaller in stature, struggled to maintain control of [REDACTED] whose actions were of an Active Resister

⁷ Att. 1, 5, 21. The photographs of [REDACTED] did not depict any injuries directly related to the alleged misconduct.

⁸ CO-1225015

⁹ Att. 18.

¹⁰ Att. 22, G03-02-01(IV)(B)(2).

¹¹ Att. 22.

(lunging face toward Officer Garriga). In an effort to create space between them and gain control, Officer Garriga's hand slipped from [REDACTED] shoulder onto her throat/neck area. Officer Garriga immediately removed her hand. Officer Hollis intervened and assisted Officer Garriga in regaining control of [REDACTED]. Once in lock-up, it took additional officers to control [REDACTED] breathing does not appear to be diminished due to the contact nor does the contact appear to be excessively long. Officer Garriga's account of the incident is corroborated by Officer Hollis BWC and Lieutenant Delfice's review of BWC.

Based on the totality of the circumstances, it is reasonable to believe that Officer Garriga's hand contacting [REDACTED] throat/neck area was inadvertent as she attempted to gain control of [REDACTED]. COPA finds there is clear and convincing evidence that Officer Garriga's contact with [REDACTED] was inadvertent and not a violation of Department policy. Thus, the allegation is Exonerated.

Approved:

[REDACTED]

Sharday Jackson
Deputy Chief Administrator – Chief Investigator

October 24, 2023

Date

Appendix ACase Details

Date/Time/Location of Incident:	May 29, 2023/11:20 PM, 5701 W. Madison Street/Chicago, IL. 60644
Date/Time of COPA Notification:	May 30, 2023/4:53 AM
Involved Member #1:	Stephanie Garriga, star #18640, employee ID# [REDACTED], Date of Appointment February 18, 2020, Unit of Assignment 015, gender female, race White Hispanic
Involved Member #2:	Nathaniel Hollis, star #3989, employee ID# [REDACTED], Date of Appointment, December 27, 2018, Unit of Assignment, 015, gender Male, race, Black.
Involved Individual #1:	[REDACTED] Female, Black

Applicable Rules

- 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

- General Order G0-02-01: Response to Resistance and Force Options (effective April 15, 2021 to June 28, 2023)

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 allegations 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.¹² 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.”¹³

¹² 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).

¹³ *People v. Coan*, 2016 IL App (2d) 151036, ¶ 28 (quoting Illinois Pattern Jury Instructions, Criminal, No. 4.19 (4th ed. 2000)).

Appendix C

Transparency and Publication Categories

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 Lock-up
- 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