

SUMMARY REPORT OF INVESTIGATION

I. EXECUTIVE SUMMARY

Date of Incident:	October 28, 2019
Time of Incident:	5:52 pm
Location of Incident:	████████████████████
Date of COPA Notification:	October 28, 2019
Time of COPA Notification:	7:01 pm

Officers Brian Cahill (Officer Cahill) and William Harnedy (Officer Harnedy) were on patrol when they noticed ██████████ (██████████) walking westbound on 51st Street. When ██████████ reached 51st and Hermitage, he looked at the officers and placed his hand under his jacket near his waistband area. Officers Cahill and Harnedy attempted to stop ██████████ to investigate, but ██████████ fled from the officers. Officers Cahill and Harnedy pursued ██████████ and finally caught up to him at his house. During the encounter with ██████████ his mother came outside and made a comment about him moving, at which time Officer Cahill responded to her comment. ██████████ was upset with Officer Cahill’s response to his mother, so he spat on the officers. Officer Cahill punched ██████████ one time in the face. ██████████ was subsequently arrested.

II. INVOLVED PARTIES

Accused Officer #1:	Brian Cahill, star# 19478, emp.# ██████████, Date of Appointment: November 29, 2004, Officer, 009, DOB: ██████████, 1979, Male, White.
Involved Officer #2:	William Harnedy, star# 12611, emp.# ██████████, Date of Appointment: November 30, 1998, Officer, 009/022, DOB: ██████████, 1974, Male, Hispanic.
Involved Officer #3:	Tamera Vettese, star# 9630, emp.# ██████████, Date of Appointment: November 16, 2017, Officer, 009, DOB: ██████████, 1987, Female, White.
Involved Officer #4:	Alexandra Harris, star#5497, emp.# ██████████, Date of Appointment: December 17, 2018, Officer, 011, DOB: ██████████, 1993, Female, White
Involved Individual #1:	████████████████████ DOB: ██████████, 1999, Male, Black

III. ALLEGATIONS

Officer	Allegation	Finding / Recommendation
Officer Brian Cahill	<p>It is alleged by ██████████ that on or about October 28, 2019, at approximately 5:55 pm, at or near ██████████, Officer Brian Cahill, star 19478, committed misconduct through the following acts or omissions:</p> <ol style="list-style-type: none"> 1. stopped ██████████ without justification. 2. detained ██████████ without justification. 3. slammed ██████████ head into a screen door without justification. 4. punched ██████████ on or about the face without justification. 5. engaged in a verbal altercation with ██████████ ██████████ mother without justification. 6. It is alleged by COPA, by and through Deputy Chief Matthew Haynam, that on or about October 28, 2019, at approximately 5:55 pm, at or near ██████████, Officer Brian Cahill, star 19478, committed misconduct through the following acts or omissions: failed to timely activate his body-worn camera in violation of S03-14. 	<p>Sustained</p> <p>Sustained</p> <p>Sustained</p> <p>Sustained</p> <p>Sustained</p> <p>Sustained</p>
Officer William Harnedy	<p>It is alleged by ██████████ that on or about October 28, 2019, at approximately 5:55 pm, at or near ██████████, Officer William Harnedy, star 12611, committed misconduct through the following acts or omissions:</p> <ol style="list-style-type: none"> 1. stopped ██████████ without justification. 2. detained ██████████ without justification. 	<p>Sustained</p> <p>Sustained</p>

Officer Tamera Vettese

It is alleged by COPA, by and through Deputy Chief Matthew Haynam, that on or about October 28, 2019, at approximately 5:55 pm, at or near [REDACTED], Officer William Harnedy, star 12611, committed misconduct through the following acts or omissions:

3. failed to timely activate his body-worn camera in violation of S03-14.

Sustained

4. failed to report the excessive force Officer Brian Cahill used against [REDACTED]

Unfounded

1. It is alleged by [REDACTED] that on or about October 28, 2019, at approximately 5:55 pm, at or near [REDACTED], Officer Tamera Vettese, star 9630, committed misconduct through the following acts or omissions: detained [REDACTED] without justification.

Exonerated

It is alleged by COPA, by and through Deputy Chief Matthew Haynam, that on or about October 28, 2019, at approximately 5:55 pm, at or near [REDACTED], Officer Tamera Vettese, star 9630, committed misconduct through the following acts or omissions:

2. failed to timely activate her body-worn camera in violation of S03-14.

Sustained

3. failed to report the excessive force Officer Brian Cahill used against [REDACTED]

Unfounded

Officer Alexandra Harris

1. It is alleged by [REDACTED] that on or about October 28, 2019, at approximately 5:55 pm, at or near [REDACTED], Officer Alexandra Harris, star 5497, committed misconduct through the following acts or omissions: detained [REDACTED] without justification.

Exonerated

It is alleged by COPA, by and through Deputy Chief Matthew Haynam, that on or about

<p>October 28, 2019, at approximately 5:55 pm, at or near [REDACTED], Officer Alexandra Harris, star 5497, committed misconduct through the following acts or omissions:</p>	
<p>2. failed to timely activate her body-worn camera in violation of S03-14.</p>	<p>Sustained</p>
<p>3. failed to report the excessive force Officer Brian Cahill used against [REDACTED]</p>	<p>Unfounded</p>

IV. APPLICABLE RULES AND LAWS

Rules

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1. Rule 5- Failure to perform any duty.
 2. Rule 6 – Disobedience of an order or directive, whether written or oral.
 3. Rule 9- Engaging in any unjustified verbal or physical altercation with any person, while on or off duty.
 4. Rule 22 – Failure to report to the Department any violation of Rules and Regulations or any other improper conduct which is contrary to the policy, orders, or directives of the Department.
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General Orders

-
1. G03-02- Use of Force
-

Special Orders

-
1. S03-14 Body-Worn Cameras
 2. S04-13-09 Investigatory Stop System
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Federal Laws

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1. Fourth Amendment of the U.S. Constitution
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V. INVESTIGATION¹

a. Interviews

██████████ was interviewed by COPA on February 25, 2020.² According to ██████████ on October 28, 2019, he was getting off the Ashland bus on 51st when he observed a blue unmarked squad vehicle in the area. ██████████ walked toward his house when he noticed the same unmarked squad vehicle was following him. ██████████ described the officers in the unmarked vehicle as two white males; the driver was older, possibly in his fifties, and the passenger officer was younger. ██████████ later found out that the passenger officer's name was Cahill. There was also a second marked police vehicle in the area. ██████████ described the officers in the marked vehicle as two female officers; one officer was Black, and the second officer was white or Hispanic. The officers in the unmarked vehicle shined the vehicle's light on ██████████ and told him to stop. ██████████ did not stop but instead sped up his pace and started to walk faster toward his house.

Officer Cahill exited the unmarked vehicle, placed his hand on his weapon, and approached ██████████. According to ██████████ he started running away from the officers because he felt scared. ██████████ ran up the front steps to his house and rang his doorbell. As ██████████ younger sister, ██████████ opened the door, Officer Cahill slammed ██████████ head against the screen door. Other officers arrived and started pulling ██████████ down the stairs toward the front yard. ██████████ admitted that he was moving his arms and holding on to the banister when the officers attempted to pull him down the stairs. ██████████ mother, ██████████ came outside and told ██████████ to let the officers arrest him. ██████████ released the banister and allowed the officers to pull him down the stairs towards the front yard. According to ██████████ he continued to resist the officers when he was in his front yard. ██████████ mother told him again to let the officers arrest him. ██████████ stopped resisting, put his hands behind his back, and allowed the officers to handcuff him.

After ██████████ was handcuffed, his mother remained outside and spoke with the officers about them harassing her children. According to ██████████ Officer Cahill told his mother, "Well then move motherfucker."³ ██████████ got angry and spit on Officer Cahill's shirt, and Officer Cahill punched ██████████ in the face. Additional officers grabbed ██████████ threw him on the ground, and placed a mask over his face. The officers also pinned ██████████ legs behind his back and sat on him. ██████████ told the officers that he could not breathe, but the officers said that he could breathe. The officers charged ██████████ with spitting on three officers, but ██████████ stated that he only spit on Officer Cahill. ██████████ declined medical attention when it was offered. ██████████ said he did not have a gun, and the officers never located a weapon. ██████████ believed the officers approached him because he was black.

██████████ was interviewed by COPA on October 29, 2019.⁴ According to ██████████ on October 28, 2019, she was in the house with family members when she heard banging at the door. ██████████ went to the door and observed her brother, ██████████ getting his face pushed into the screen door by a white male officer. ██████████ opened the door, and a female officer

¹ COPA conducted a thorough and complete investigation. The following is a summary of the material evidence gathered and relied upon in our analysis.

² Att. 5.

³ Att. 5 at 13:27 to 13:31.

⁴ Att. 28.

informed ██████ to remain inside and move away from the door. ██████ called out to her mother and grandmother, who were inside the house. Her grandmother, ██████ ran to the front door during this time.

Officers pulled ██████ from the front door and dragged him down the stairs to the bottom gate. ██████ grandmother and mother, ██████ asked the officers what was happening. ██████ mother said, "This is why I'm trying to move," and an officer yelled back, "Well, move then."⁵ ██████ told the officer not to talk to his mother in that manner and spat on the officer. The officer punched ██████ in the face. ██████ did not see ██████ spit, nor did she personally observe the officer punch ██████. A female officer was holding ██████ grandmother and mother back. Officers took ██████ out the front gate and threw him down on the lawn. One of the officers was kneeling on ██████ back while another was pushing ██████ face to the ground.

██████ was interviewed by COPA on October 29, 2019.⁶ According to ██████ she heard a thump at the front door on the day of the incident. ██████ granddaughter, ██████ went to the door to ascertain what was happening. ██████ observed officers outside and ran back to the kitchen to tell ██████. ██████ went to the door and saw officers with her grandson's (██████ face smashed against the fence. According to ██████ about four officers held ██████ up against a fence. ██████ was in handcuffs when ██████ saw him. ██████ asked one of the officers what was happening, but the officer did not respond. ██████ described the officer as a white male.

According to ██████ was moving around, and the officers kept telling him to stop moving. ██████ pleaded with ██████ to stop moving, but he continued to move around. ██████ was not aware of what occurred before she exited the house. Eventually, ██████ daughter (██████ mother, ██████ exited the house. ██████ ended up on the ground by the fence, and officers had their knees on his back. Officers eventually picked ██████ up off the ground, and ██████ began arguing with the officers. During the dispute, ██████ stated, "That's why I don't want to live around here," and one of the officers told her, "Move then."⁷ ██████ told the officer not to talk to his mother like that, then spat on the officer (Now known as Officer Cahill). After he spat on the officer, Officer Cahill punched ██████. Officers then dragged ██████ out of the yard and placed him on the ground outside the yard.

Officer Brian Cahill was interviewed by COPA on April 14, 2021.⁸ On October 28, 2019, Officer Cahill was working in the 9th District with his partner Officer William Harnedy. Officer Cahill was the passenger in an unmarked squad vehicle; he was in uniform and equipped with a body-worn camera. According to Officer Cahill, he activated his body-worn camera shortly after the incident started. Officer Cahill was on routine patrol when he observed ██████ walking in the vicinity of 51st & Hermitage. ██████ stopped and looked directly in the direction of the officers, took his right hand, and reached ██████ his waistband area as if he was tucking something or securing something. According to Officer Cahill, he "Thought it was a weapon."⁹ Officer Cahill

⁵ Att. 28 at 12:29 to 12:33.

⁶ Att. 26. ██████ grandmother.

⁷ Att. 26 at 8:48 to 8:51.

⁸ Atts. 45 & 51.

⁹ Att. 51, page 14, lines 18 to 19.

approached [REDACTED] while inside the vehicle to speak with him. [REDACTED] told the officers that he did not have to speak to them. Officer Cahill gave [REDACTED] commands to show his hands, but he refused.

Officer Cahill exited the vehicle and approached [REDACTED] continued to hold his side as he ran southbound on Hermitage. Officer Cahill continued to give commands for [REDACTED] to show his hands, and [REDACTED] continued to flee. Officer Cahill pursued [REDACTED] on foot, while Officer Harnedy followed [REDACTED] in the squad vehicle. Officer Cahill never saw [REDACTED] with a gun, and he was unsure if there were any calls of shots fired in the area where he observed [REDACTED] ran inside an iron gate, locked the gate, and ran up five to six steps to a cement porch¹⁰. Officer Cahill was able to access the gate, and he slowly approached [REDACTED] still ordering [REDACTED] to show his hands. As Officer Cahill attempted to detain [REDACTED] he balled up his fists, got in a fighting stance, and tried to strike Officer Cahill with his right hand. Officer Harnedy grabbed [REDACTED] arm to prevent him from striking Officer Cahill.

Officer Cahill and Officer Harnedy were able to gain control over [REDACTED] bringing him off the porch to the grassy front lawn area. [REDACTED] held his hands underneath him, near his waistband area, and refused to show the officers his hands. Officer Harnedy took [REDACTED] to the ground by his legs. Two female officers¹¹ arrived and assisted Officers Cahill and Harnedy with trying to gain control of [REDACTED] After a brief struggle, officers handcuffed [REDACTED] and assisted him up from the ground. At this point, [REDACTED] was considered under arrest for assaulting a police officer. According to Officer Cahill, [REDACTED] mother or aunt made a comment to the effect of "This doesn't happen on the west side, I'm moving,"¹² and Officer Cahill replied, "Then move."¹³ At that point, [REDACTED] told Officer Cahill that he would spit on him. [REDACTED] then spat three times, striking Officer Cahill on the face and other officers. In response to [REDACTED] spitting, Officer Cahill delivered one closed hand punch to [REDACTED] mouth to stop him from spitting. Officer Cahill stated that he did not mace [REDACTED] because he did not feel that mace would have prevented [REDACTED] from spitting again. According to Officer Cahill, other officers also got spit on, but they did not punch [REDACTED] A weapon was never recovered from [REDACTED] person or the area where the pursuit occurred. Officer Cahill denied all allegations made against him.

Officer William Harnedy was interviewed by COPA on April 14, 2021.¹⁴ On October 28, 2019, Officer Harnedy was working in the 9th District with his partner, Officer Brian Cahill. Officer Harnedy was the driver of an unmarked squad vehicle; he was in uniform and equipped with a body-worn camera. According to Officer Harnedy, he activated his body-worn camera as soon as he recalled that he had to activate it after he placed [REDACTED] under arrest. Officer Harnedy was on routine patrol when he saw [REDACTED] on 51st Street. [REDACTED] looked at the officers, placed his hands underneath his jacket on his waistband, and kept his hands there. Officer Harnedy believed that [REDACTED] had a weapon, so he attempted to perform an investigatory stop on [REDACTED] Officer Harnedy and his partner asked [REDACTED] to remove his hand from his waistband, but [REDACTED] disregarded the commands and told the officers that he did not have to show them anything. Officer

¹⁰ It was later determined that the porch [REDACTED] was standing on was his porch.

¹¹ Officers Vettese and Officer Nitschke (Harris).

¹² Att. 51, page 23, lines 19-20.

¹³ Att. 51, page 23, line 21.

¹⁴ Atts. 44, 50.

Harnedy stated that he was unaware of any calls of shots fired in the area on the day of the incident, and he never observed [REDACTED] with a weapon.

Officer Harnedy stopped the vehicle to approach [REDACTED]. Officer Cahill exited the vehicle, and [REDACTED] fled and ran southbound on Hermitage. Officer Harnedy continued to pursue [REDACTED] while inside the vehicle, and Officer Cahill pursued [REDACTED] on foot. [REDACTED] ran to [REDACTED], entered and closed the gate, ran up the steps, and stood on the porch. Officer Harnedy met back up with Officer Cahill at [REDACTED] and they both approached [REDACTED] cautiously while giving verbal commands to [REDACTED] to show his hands. As the officers approached [REDACTED] he balled up his fists, turned toward Officer Cahill, and pulled his right hand back as if to strike Officer Cahill. Officer Harnedy grab [REDACTED] arm to prevent him from striking Officer Cahill. According to Officer Harnedy, [REDACTED] was detained when he attempted to swing on Officer Cahill, and he was subsequently arrested for assaulting a police officer. Other officers arrived to assist with the detainment of [REDACTED] and they helped escort [REDACTED] down the stairs. Once officers got to the ground level, [REDACTED] refused to put his hands behind his back and continued to conceal his hands and resist arrest, so Officer Harnedy performed a take-down on [REDACTED] and [REDACTED] was handcuffed.

Two females exited [REDACTED] and claimed to be related to [REDACTED]. One of the women identified herself as [REDACTED] mother, so Officer Harnedy walked over to her to explain what happened and why [REDACTED] was being arrested. While Officer Harnedy was speaking with [REDACTED] mother, a commotion broke out behind him. Officer Harnedy heard other officers say that [REDACTED] was spitting and observed [REDACTED] being brought down to the ground. Officer Harnedy assisted the other officers with placing [REDACTED] on the ground and holding down [REDACTED] legs. Officer Harnedy did not personally observe [REDACTED] spit on anybody and did not observe Officer Cahill punch [REDACTED].

Officer Tamera Vettese was interviewed by COPA on April 12, 2021.¹⁶ On October 28, 2019, Officer Vettese was assigned to the 9th District with her partner Officer Alexandra Harris. Officer Vettese was the driver of a marked squad vehicle; she was in uniform and equipped with a body-worn camera. Officer Vettese was parked and completing a report from a job when she observed a foot pursuit involving [REDACTED]. According to Officer Vettese, she immediately assisted and activated her camera when she remembered to do so. Officer Vettese stated she was concerned for the officers' safety and [REDACTED] so she did not immediately activate her camera. Once officers caught up with [REDACTED] Officer Vettese observed what appeared to be a punch thrown at the initial officers¹⁷ by [REDACTED]. Officer Cahill and Harnedy attempted to place [REDACTED] into handcuffs, and [REDACTED] resisted arrest. Officer Vettese described [REDACTED] demeanor as aggressive.

Officer Vettese observed Officers Cahill and Harnedy on the stairs with [REDACTED] and immediately assisted in the detainment. Officer Vettese did not know the reason for [REDACTED] detainment, but she observed [REDACTED] fighting and resisting arrest when officers were trying to handcuff him. After [REDACTED] was placed in handcuffs, his mother and other family members started to come outside. According to Officer Vettese, [REDACTED] mother was screaming about how she hates the police and does not trust them. [REDACTED] mother made a comment to the effect of moving back

¹⁵ Collin's home.

¹⁶ Atts. 40 & 48.

¹⁷ Officers Cahill and Harnedy

to the west side, and Officer Cahill responded to her by stating, “Move, then.”¹⁸ After Officer Cahill made that comment, ██████ became aggressive, lunged at officers, and spat on Officers Cahill and Schejbal. Officer Vettese indicated she only observed Officer Cahill’s arm going forward and several officers taking ██████ to the ground. Officer Vettese never witnessed Officer Cahill’s arm connect with ██████ while at the scene. Officer Vettese learned that Officer Cahill had punched ██████ when they were back at the station, watching body camera footage with the supervisors and the detective.

Officer Alexandra Harris was interviewed by COPA on April 12, 2021.¹⁹ On October 28, 2019, Officer Harris was assigned to the 9th District with her partner, Officer Vettese. Officer Harris was the passenger of a marked squad vehicle; she was in uniform and equipped with a body-worn camera. Officer Harris and her partner were sitting in their squad vehicle completing some paperwork from a previous assignment when they observed two officers²⁰ in an unmarked vehicle attempting to stop ██████. Officer Harris observed ██████ run to ██████ and the officers pursued him. At that location, Officer Harris witnessed ██████ being aggressive with the officers, and they approached to assist. Once Officer Harris confirmed that the scene was secure and everyone was safe. At that time, she remembered to activate her body-worn camera.

Officer Harris observed ██████ lunge forward and attempt to punch the officers, but the officers were able to grab his arms to prevent the punch. Officer Harris assisted with bringing ██████ down the steps to the yard area, and Officer Harnedy handcuffed ██████. Officer Harris was not aware of the initial reason for ██████ being stopped, but ██████ was being detained for assaulting a police officer. ██████ mother came outside yelling at the officers about what was happening with her son. Officer Harris and her partner attempted to calm ██████ mother down by talking to her. Officer Harris did not recall any conversations between ██████ mother and Officer Cahill. Officer Harris did not recall seeing ██████ spitting on officers at the scene or Officer Cahill punching ██████. Officer Harris focused on ██████ mother, keeping her calm and preventing her from getting to other officers.

b. Digital Evidence

Officer Cahill’s body-worn camera footage depicts Officer Cahill struggling with ██████ on the front porch of ██████.²¹ ██████ mother and grandmother can be heard in the background, asking officers what is going on. Officer Cahill, along with other officers, takes ██████ down the stairs to the front yard and places him on the ground in the grassy area. Officers finally get ██████ handcuffed, stand him up, and search ██████. ██████ mother said, “I’m tired of this, I’m ready to move back out west,”²² Officer Cahill replied, “Then move.”²³ ██████ tells Officer Cahill, “Hey, stop talking to my momma like that...I’ll spit on your bitch ass.”²⁴ Officer Cahill responds, “Spit on me, go ahead,”²⁵ and then it appears that ██████ spits. There is some

¹⁸ Att. 48, page 18, line 18.

¹⁹ Atts. 41 & 49.

²⁰ Officers Cahill and Harnedy

²¹ Att. 37.

²² Att. 37 at 2:50 to 2:52.

²³ Att. 37 at 2:53.

²⁴ Att. 37 at 2:54 to 2:57.

²⁵ Att. 37 at 2:58.

commotion, and other officers take [REDACTED] outside the gate to the front lawn area, and officers hold him there.

Officer Harnedy's body-worn camera footage depicts [REDACTED] already handcuffed in the front yard of [REDACTED].²⁶ Officer Harnedy begins speaking with [REDACTED] mother and grandmother. [REDACTED] mother says, "I'm tired of this, I'm ready to move back out west,"²⁷ and Officer Cahill is heard off camera saying, "Then move."²⁸ [REDACTED] is heard off camera telling Officer Cahill to stop talking to his mother like that and that he would spit on him. There is a commotion in the background, and Officer Harnedy turns around to see what is happening. The body-worn camera shows assisting officers moving [REDACTED] out of his front yard and placing him on the ground in the grassy area of the front lawn. Officer Harnedy assists with holding [REDACTED] down on the ground.

Officer Vettese's body-worn camera footage depicts her driving the squad vehicle.²⁹ She and her partner exit the vehicle and run to [REDACTED] to assist Officers Cahill and Harnedy with detaining [REDACTED] is brought down the stairs and placed into handcuffs by the officers. Officer Vettese activates her camera once [REDACTED] is placed into handcuffs. [REDACTED] mother and grandmother are on the porch speaking with other officers. [REDACTED] appears to spit on Officer Cahill, and Officer Cahill punches [REDACTED] one time in the mouth. Officer Vettese appears to be holding [REDACTED] mother back from getting to Officer Cahill and her son.

Officer Harris' body-worn camera footage depicts her riding on the passenger side of her squad vehicle.³⁰ Officer Harris and her partner exit the squad vehicle and run to [REDACTED] to assist Officers Cahill and Harnedy with detaining [REDACTED] Officers bring [REDACTED] off the porch and down to the front lawn area and handcuff [REDACTED] Officer Harris activates her body-worn camera after [REDACTED] is already in handcuffs. [REDACTED] mother and grandmother are outside on the front porch. Officer Cahill raises his hand, and Officer Harris turns to grab [REDACTED] mother from getting to the officers and her son. Officer Harris tries to hold [REDACTED] mother back and calm her down.

c. Documentary Evidence

The **arrest and case reports**³¹ documenting the arrest of [REDACTED] indicated that he ([REDACTED] was observed walking westbound on 51st Street from Paulina Street. When [REDACTED] reached 51st and Hermitage, he looked at the officers, took his right hand, lifted it to his waistline, and put his hand under his jacket. [REDACTED] then turned quickly to go southbound on Hermitage. Officers believing [REDACTED] had a weapon, attempted to approach him, and [REDACTED] fled southbound on Hermitage. Officer Cahill exited the squad vehicle at 5100 S. Hermitage and pursued [REDACTED] while Officer Harnedy pursued [REDACTED] in the vehicle.

²⁶ Att. 36.

²⁷ Att. 36 at 1:20 to 1:22.

²⁸ Att. 36 at 1:23.

²⁹ Att. 38.

³⁰ Att. 39.

³¹ Atts. 18, 19

█████ fled to █████ he opened the front gate and ran up the front stairs to the porch area. Officers followed █████ up the stairs and gave verbal directions to stop and to show his hands. As Officer Cahill approached █████ he balled up both fists and raised his right fist to attempt to strike Officer Cahill. Officer Harnedy grabbed █████ right arm, and Officer Cahill grabbed █████ body/jacket so they could place him into custody. Other units arrived and assisted with removing █████ from the front porch. While in the front lawn area, █████ refused to put his hands behind his back, and Officer Harnedy grabbed both of █████ legs and took him to the ground. █████ was placed into custody, and he became irate and lunged at Officer Cahill and told him that he would spit on him. █████ then spit three times at officers on the scene, including Officer Cahill. Officer Cahill directed one closed-hand strike to prevent any further batteries.

Tactical response reports (TRR) were completed by several officers who responded to the scene, including Officers Cahill and Harnedy.³² The narrative section of the TRRs is materially consistent with the narrative in the arrest report.

An **investigative stop report** (ISR) was also completed by Officers Cahill and Harnedy, and the narrative of the report is materially consistent with the narrative in the arrest report.³³

VI. 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;
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 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.

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

³² Atts. 30 – 35.

³³ Att. 4.

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.

VII. ANALYSIS

COPA finds **Allegation #1** against **Officers Cahill and Harnedy** in that they stopped ██████████ without justification is **Sustained**. According to ██████████ he was getting off the bus and walking home when he noticed officers following him. The officers asked ██████████ to stop, but ██████████ sped up his pace and continued to walk home. Officer Cahill exited the squad vehicle with his hand on his weapon, and ██████████ ran because he was scared. Officers Cahill and Harnedy were on routine patrol when they observed ██████████ walking near the area of 51st and Hermitage. ██████████ stopped and looked directly in the direction of the officers, took his right hand, and reached toward his waistband area as if he was tucking or securing something. The officers believed ██████████ had a weapon, so they approached ██████████ while inside the vehicle to speak with him. ██████████ refused to stop for the officers and instead fled from them. The officers never saw ██████████ with a weapon and were never made aware of any calls of shots fired in the area where they observed ██████████. The officers pursued ██████████ because they believed ██████████ had a weapon.

Special Order S04-13-09 defines an investigatory stop as the temporary detention and questioning of a person in the vicinity where the person was stopped based on reasonable articulable suspicion that the person is committing, is about to commit, or has committed a criminal offense. The order further defines reasonable articulable suspicion as an objective legal standard that is less than probable cause but more substantial than a hunch or general suspicion. In this case, officers were on routine patrol when they encountered ██████████ walking. The officers were unaware of any calls of shots fired in the area, and neither did the officers ever observe ██████████ with a weapon. The officers did not know ██████████ before they stopped him on the date of the incident. According to the ISR, officers stopped ██████████ for simply looking in their direction and then placing his hand inside his waist area/possibly jacket pocket. Officers Cahill and Harnedy believed ██████████ was armed and concealing a weapon, so they attempted to perform an investigatory stop. COPA finds that based on the facts known to the officers at the time of the stop, the officers were acting under a mere hunch and did not have a reasonable articulable suspicion to perform an investigatory stop on ██████████. The officers never observed ██████████ commit a crime or appear in the process of committing a crime. ██████████ simply placing his hands under his shirt is not a justification to stop him. Without a reasonable articulable suspicion for the stop, and as such, COPA finds this allegation **Sustained**.

COPA finds **Allegation #2** against **Officers Cahill and Harnedy** in that they detained ██████████ without justification is **Sustained**. The Fourth Amendment of the United States Constitution guarantees the right of individuals to be free from unreasonable searches and seizures. As stated in the reasons for allegation #1, the officers had no reason to stop ██████████ and therefore no reason to detain him. As such, COPA finds this allegation **Sustained**.

COPA finds **Allegation #3** against **Officer Cahill** in that he slammed ██████████ head into the screen door without justification is **Sustained**. ██████████ alleges that Officer Cahill slammed his head against the screen door when he first ran up the stairs to his house. Similarly, ██████████ went

to the door and observed ██████ getting his face pushed into the screen door by a white male officer. Officer Cahill denied slamming ██████ head into the screen door. Although Officer Cahill was wearing a body-worn camera, he failed to activate the camera in a timely manner. It, therefore, did not capture the initial interaction between him and ██████. As ██████ corroborated ██████ account and there was no justification for this use of force provided by Officer Cahill, COPA finds this allegation is **Sustained**.

COPA finds **Allegation #4** against **Officer Cahill** in that he punched ██████ on or about the face without justification is **Sustained**. According to Officer Cahill, ██████ mother or aunt commented on her moving, and Officer Cahill responded to her comment. ██████ got upset and told Officer Cahill that he was going to spit on him, and then he proceeded to spit three times, striking Officer Cahill in the face. In response to ██████ spitting, Officer Cahill delivered one closed hand punch to ██████ mouth area to stop him from spitting. According to ██████ Officer Cahill made a comment to his mother that upset him, and he spat on Officer Cahill's shirt, and Officer Cahill punched him in the face. General Order G03-02 governs the use of force. Under the general order, department members may only use force that is objectively reasonable, necessary, and proportional in order to ensure the safety of a member or third party, stop an attack, make an arrest, control a subject, or prevent escape.

In this case, COPA finds that Officer Cahill punching ██████ in the face was not objectively reasonable, necessary, or proportional. ██████ was handcuffed behind his back when he spits on Officer Cahill and other officers. The other officers who were spat on did not respond in the same manner as Officer Cahill. In fact, Officer Cahill was the only officer to accost ██████ physically. ██████ told Officer Cahill that he was going to spit on him, confirmed by the audio on Officer Cahill's body-worn camera footage. Officer Cahill was also heard telling ██████ to go ahead and spit, acknowledging that he knew ██████ intentions. Officer Cahill did not try to create distance between him and ██████ when ██████ made his initial comment about spitting, and further, he incited ██████ to spit on him by telling ██████ to go ahead and spit. As such, COPA finds this allegation against Officer Cahill **Sustained**.

COPA finds **Allegation #5** against **Officer Cahill** in that he engaged in a verbal altercation with ██████ mother, ██████ without justification is **Sustained**. Rule 9 prohibits Department Members from engaging in any unjustified verbal or physical altercation with any person while on or off duty. ██████ exited her home to investigate what was going on with ██████. When ██████ was outside, she made a general statement that she wanted to move back out west, and Officer Cahill responded to her by telling her to move. This encounter was captured on multiple officers' body-worn cameras, including Officer Cahill's, and members of ██████ family heard the exchange between Collin's mother and Officer Cahill. Officer Cahill admitted to making the comment to ██████. These comments were wholly unnecessary and proved to escalate the encounter, which had momentarily dissipated. As such, COPA finds this allegation **Sustained**.

COPA finds **Allegation #6** against **Officer Cahill** and **Allegation #3** against **Officer Harnedy** in that they failed to activate their body-worn cameras in a timely manner is **Sustained**. Under Special Order S03-14, department members must activate their cameras at the beginning of an incident and record the entire incident for all law-enforcement-related activities. The decision

to electronically record a law-enforcement-related encounter is mandatory, not discretionary, except where specifically indicated. Officer Cahill did not activate his camera until he stood on [REDACTED] front porch, and Officer Harnedy activated his camera after [REDACTED] was handcuffed. The officers were negligent in their actions. Additionally, critical moments of the encounter were omitted due to them not following department rules. The officers did not explain why he failed to activate his camera in a timely manner, so COPA finds this allegation to be **Sustained**.

COPA finds **Allegation #4** against **Officer Harnedy** in that he failed to report the excessive force by Officer Brian Cahill used against [REDACTED] is **Unfounded**. Under General Order G03-02, a department member who directly observes a use of force that is excessive or otherwise in violation of this directive will contact a supervisor as soon as practicable. According to Officer Harnedy, he spoke with [REDACTED] mother when the incident occurred between Officer Cahill and [REDACTED]. Officer Harnedy heard other officers say that [REDACTED] was spitting, but he did not witness [REDACTED] spitting on anyone, nor did he see Officer Cahill punch [REDACTED]. COPA finds Officer Harnedy credible that he did not observe the punch, and his body-worn camera footage supports his account of the incident. As such, COPA finds this allegation **Unfounded**.

Officer Tamera Vettese

COPA finds **Allegation #1** against Officer Vettese in that she detained [REDACTED] without justification is **Exonerated**. The Fourth Amendment of the United States Constitution guarantees the right of individuals to be free from unreasonable searches and seizures. Officer Vettese and her partner were assisting officers and were not present during the initial stop of [REDACTED]. According to Officer Vettese, she was completing a report from a previous job when she observed Officers Cahill and Harnedy chasing [REDACTED] and they went to assist them. Officer Vettese did not know the reason for the stop when she went to assist, but she observed [REDACTED] attempt to punch the officers and resist arrest. COPA finds that Officer Vettese attempted to help the original officers detain [REDACTED] and as such, this allegation against her is **Exonerated**.

COPA finds **Allegation #2** against Officer Vettese in that she failed to activate her body-worn camera in a timely manner is **Sustained**. Under Special Order S03-14, department members must activate their cameras at the beginning of an incident and record the entire incident for all law enforcement related activities. The decision to electronically record a law enforcement related encounter is mandatory, not discretionary, except where specifically indicated. According to Officer Vettese, she was concerned for the officers' safety and the safety of [REDACTED] and immediately assisted. Officer Vettese activated her camera when she remembered to do so. COPA finds that Officer Vettese did not comply with the order in that she did not activate her camera immediately upon engaging in a law enforcement related activity. As such, COPA finds this allegation to be **Sustained**.

COPA finds **Allegation #3** against Officer Vettese in that she failed to report the excessive force by Officer Brian Cahill used against [REDACTED] is **Unfounded**. General Order G03-02, a department member who directly observes a use of force that is excessive or otherwise in violation of this directive will contact a supervisor as soon as practicable. According to Officer Vettese, she did not observe Officer Cahill's arm connect with [REDACTED] face. Officer Vettese said she focused her attention on [REDACTED] and monitoring the area. Officer Vettese did not learn that Officer

Cahill punched [REDACTED] until they were back at the station, as they viewed the camera footage with supervisors. COPA finds Officer Vettese's credible and finds this allegation to be **Unfounded**.

Officer Alexandra Harris

COPA finds **Allegation #1** against Officer Harris in that she detained [REDACTED] without justification is **Exonerated**. The Fourth Amendment of the United States Constitution guarantees the right of individuals to be free from unreasonable searches and seizures. Officer Harris and her partner were assisting officers and not the original officers. According to Officer Harris, she was completing paperwork from a previous assignment when she observed two officers attempting to stop [REDACTED]. Officer Harris also observed [REDACTED] lunge forward and attempt to punch the officers. [REDACTED] was being detained for assaulting a police officer. COPA finds Officer Harris credible and that she was assisting the original officers, and as such, COPA finds this allegation **Exonerated**.

COPA finds **Allegation #2** against Officer Harris in that she failed to activate her body-worn camera in a timely manner is **Sustained**. Under Special Order S03-14, Department Members must activate their cameras at the beginning of an incident and record the entire incident for all law enforcement related activities. The decision to electronically record a law enforcement-related encounter is mandatory, not discretionary, except where specifically indicated. According to Officer Harris, she ensured the scene was secured before activating her camera. Officer Harris did not activate her camera until [REDACTED] was already in handcuffs, and as such, COPA finds this allegation to be **Sustained**.

COPA finds **Allegation #3** against Officer Harris in that she failed to report the excessive force by Officer Brian Cahill used against [REDACTED] is **Unfounded**. General Order G03-02, a department member who directly observes a use of force that is excessive or otherwise in violation of this directive will contact a supervisor as soon as practicable. According to Officer Harris, she did not recall seeing [REDACTED] spit on Officer Cahill and did not see Officer Cahill punch [REDACTED]. Officer Harris focused on [REDACTED] and preventing her from getting to other officers. Officer Harris' camera footage depicts her trying to hold [REDACTED] back when the confrontation occurred between [REDACTED] and Officer Cahill. COPA finds Officer Harris credible and finds this allegation to be **Unfounded**.

VIII. RECOMMENDED DISCIPLINE FOR SUSTAINED ALLEGATIONS

a. Officer Brian Cahill

i. Complimentary and Disciplinary History

8 Complimentary Letter. 181 Honorable Mentions. 10 Commendations. No disciplinary history.

ii. Recommended Penalty

Officer Cahill's actions were the impetus for this entire situation. Officer Cahill stopped and detained ██████ without justification, slammed his head into a screen door, punched ██████ in the mouth, engaged in an unjustified verbal altercation and failed to activate his body-worn camera in a timely manner. Officer Cahill had no reason to conduct an investigatory stop on ██████. Officer Cahill never observed ██████ commit a crime, nor did he display any actions that he was going to commit a crime. Although ██████ spit on Officer Cahill and other officers on the scene, Officer Cahill provoked ██████ and failed to use de-escalating techniques to stop ██████'s actions. Officer Cahill's failure to activate his body-worn camera caused COPA to miss critical moments of the incident. COPA has also considered the lack of injury to ██████ and Officer Cahill's complimentary and disciplinary history. COPA has also considered that Officer Cahill did not take accountability for his conduct. For these reasons and considering the whole of Officer Cahill's conduct, COPA recommends a 180-day Suspension.

b. Officer William Harnedy**i. Complimentary and Disciplinary History**

6 Complimentary Letter. 76 Honorable Mentions. 1 Commendation. No disciplinary history.

ii. Recommended Penalty by Allegation

COPA has considered Officer Harnedy's complimentary history and lack of recent disciplinary history. Officer Harnedy stopped and detained ██████ without justification and failed to activate his body-worn camera in a timely manner. Officer Harnedy had no reason to conduct an investigatory stop on ██████. Officer Harnedy never observed ██████ commit a crime, nor did he display any actions that he was going to commit a crime. Officer Harnedy's failure to activate his body-worn camera caused COPA to miss critical moments of the incident. For these reasons, COPA recommends a 10-day Suspension.

c. Officer Tamera Vettese**i. Complimentary and Disciplinary History**

16 Honorable Mentions. No disciplinary history.

ii. Recommended Penalty by Allegation

Officer Vettese failed to activate her body-worn camera in a timely manner. Officer Vettese's failure to activate her body-worn camera caused COPA to miss critical moments of the incident. For these reasons, COPA recommends a 3-day Suspension.

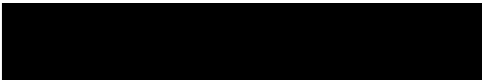
d. Officer Alexandra Harris**i. Complimentary and Disciplinary History**

6 Honorable Mentions. No disciplinary history.

ii. Recommended Penalty by Allegation

Officer Harris failed to activate her body-worn camera in a timely manner. Officer Harris' failure to activate her body-worn camera caused COPA to miss critical moments of the incident. For these reasons, COPA recommends a 3-day Suspension.

Approved:

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Sharday Jackson
Deputy Chief Administrator – Chief Investigator

January 23, 2023

Date