



Log # 2020-0004738

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

### I. EXECUTIVE SUMMARY

On October 16, 2020, the Civilian Office of Police Accountability (COPA) received an Initiation Report from Sgt. Leslie #212 alleging misconduct by an unknown member of the Chicago Police Department (CPD).<sup>2</sup> ██████████ (██████████) alleged that on October 16, 2020, an unidentified male CPD officer hit his head with his firearm without justification during his arrest.<sup>3</sup> Upon review of the evidence, COPA served allegations to Officer Szczur #18774 and Officer Loza #16201 that they struck ██████████ on or about his head with their firearm without justification. Following its investigation, COPA reached not sustained findings regarding the above allegation.<sup>4</sup>

### II. SUMMARY OF EVIDENCE<sup>5</sup>

On October 16, 2020, at 6 W. Madison Street at approximately 8:04 P.M., Officers Szczur and Loza were on routine patrol.<sup>6</sup> They received a call regarding a group of males with a firearm, wearing blue sweaters and dreads.<sup>7</sup> A group of individuals were standing on the sidewalk as the officers approached a man, now known to be ██████████ who matched the description of the individual with a firearm.<sup>8</sup> ██████████ observed the officers and ran.<sup>9</sup> The officers initiated a foot pursuit since ██████████ matched the description from the caller. The officers observed a bulge on ██████████ waistband that resembled a firearm, and based on their past training and experience, the officers believed ██████████ was trying to conceal a weapon or contraband.<sup>10</sup> During the foot

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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> Att. 12, the Initiation Report.

<sup>3</sup> One or more of these allegations fall within COPA's jurisdiction pursuant to Chicago Municipal Code § 2-78-120. Therefore, COPA determined it would be the primary investigative agency in this matter. COPA tried to interview ██████████ to no avail.

<sup>4</sup> Atts. 25, Officer Loza's allegation packet and 22, Officer Szczur's allegation packet.

<sup>5</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 BWC footage, police reports, officer interviews.

<sup>6</sup> Att. 11, and Att. 21, Officer Szczur's interview at 5:00 and Att. 24, Officer Loza's interview at

<sup>7</sup> Atts. 2, the Arrest Report and 23, the Event Query, Att. 11, the Case Report and Att. 24 at 5:44.

<sup>8</sup> Att. 24 at 5:44- 5:53.

<sup>9</sup> Att. 2 and Att. 21 at 5:30, Att. 24 at 6:38.

<sup>10</sup> Att. 21 at 6:20- 7:02, Att. 24 at 8:51 and Att. 24 at 6:49, Att. 5, the BWC of Officer Szczur at 3:08, and Att. 6, the BWC of Officer Loza at 1:40.

pursuit, ██████ threw something that sounded like parts of a firearm.<sup>11</sup> ██████ ran into a dead end at the back alley of a business.<sup>12</sup> Officer Szczur approached him and told him to get on the ground.<sup>13</sup> ██████ put his hands up but did not immediately get onto the ground.<sup>14</sup> Officer Szczur and Officer Loza grabbed ██████ shoulder, conducted an emergency takedown, and detained him.<sup>15</sup> While ██████ was on the ground, the officers handcuffed him, and he was placed in the back of a CPD vehicle.<sup>16</sup> As ██████ was being placed inside the vehicle, he told Officer Loza that he was hit on his head with a firearm.<sup>17</sup> Officer Loza notified Sgt. Leslie regarding what ██████ alleged.<sup>18</sup> Officers Loza, Szczur, and other assisting officers searched for the firearm around the area.<sup>19</sup> They located the firearm, a Glock semi-automatic pistol, on a roof near the location where ██████ was arrested.<sup>20</sup> A magazine was found on the sidewalk that belonged to the same firearm.<sup>21</sup>

In the officers' interview, they explained once they placed handcuffs on ██████ their firearms would have been holstered because they needed both hands to secure the handcuffs on ██████<sup>22</sup> At the 15<sup>th</sup> District, Evidence Technician (ET) photographs were taken, and ██████ received medical treatment at Loretto Hospital.<sup>23</sup> Officers Loza and Szczur further related that ██████ continued to allege that he was hit on his head with one of the officer's firearms.<sup>24</sup> Officer Loza indicated that he had his radio in his left hand and his firearm in his right hand.<sup>25</sup> He mentioned the radio could have possibly struck him on his head accidentally, but he did not recall that he hit him with any object during the arrest.<sup>26</sup> Officers Szczur and Loza mentioned ██████

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<sup>11</sup> Att. 21 at 7:53, Att. 24 at 10:48-10:56, Atts. 2, 14, the Tactical Response Report (TRR) of Officer Loza, 15, the TRR of Officer Szczur, Att. 21 at 8:30.

<sup>12</sup> Att. 5 at 3:20, and Att. 6 at 2:24, and Att. 21 at 9:26.

<sup>13</sup> Att. 5 at 3:20.

<sup>14</sup> Att. 5 at 3:24, and Att. 21 at 9:40.

<sup>15</sup> Atts. 14, 15, Att. 5 at 3:24, and Att. 21 at 9:50, Att. 24 at 12:49.

<sup>16</sup> Att. 6 at 3:40, Att. 24 at 13:30, and Att. 8 at 1:00 a brief search and pat down was conducted of ██████ by Officer Loza.

<sup>17</sup> Att. 12 and Att. 6 at 3:46, att. 24 at 15:22.

<sup>18</sup> Att. 24 at 16:12.

<sup>19</sup> Att. 21 at 10:50, and Att. 24 at 14:04.

<sup>20</sup> Atts. 2, 11, the Case Report, Att. 21 at 11:15, Att. 24 at 14:23, Att. 5 at 13:35, and Att. 8 at 2:00.

<sup>21</sup> Atts. 2 and 11, Att. 21 at 11:06, and Att. 24 at 14:10.

<sup>22</sup> Att. 21 at 15:03 and Att. 24 at 17:46.

<sup>23</sup> Att. 9 at 00:01, ██████ was searched, and his belongings were inventoried while at the 15 District. At 5:00 ██████ explained he was hit in the head with a firearm and pointed towards Officer Loza. Officer Loza explained he had his radio out, but he placed him under arrest, he denied hitting him on the head during the arrest. Also see, Atts. 1, the Medical Records, 14, 15, and 18. ██████ told the hospital staff that he was hit on the head with the butt of an officer's gun. ET Photos, Att. 21 at 12:32. The photographs depicted dried blood above ██████ forehead.

<sup>24</sup> Att. 21 at 12:25, and Att. 24 at 20:40-21:25.

<sup>25</sup> Att. 24 at 18:10.

<sup>26</sup> Att. 24 at 18:39.

could have received an abrasion on his head during the emergency takedown.<sup>27</sup> The officers denied striking [REDACTED] on his head with their firearms.<sup>28</sup>

### III. ALLEGATIONS

#### Officer Christian Szczur #18774:

1. Striking [REDACTED] on or about his head with your firearm without justification.
  - Not sustained.

#### Officer Danilo Loza#16201:

2. Striking [REDACTED] on or about his head with your firearm without justification.
  - Not sustained.

### IV. CREDIBILITY ASSESSMENT

This investigation did not reveal any evidence that caused COPA to question the credibility of any sworn members of CPD who provided statements.

### V. ANALYSIS<sup>29</sup>

#### Excessive force allegations:

COPA finds there is insufficient evidence to prove or disprove the allegation leading the findings to be **Not Sustained**. Officers Szczur and Loza denied the allegations made against them. The BWCs did not depict either officer striking [REDACTED] on the head with any object. The officers said they holstered their weapons as they placed [REDACTED] into custody. Officers Szczur and Loza documented in the Department reports that they conducted an emergency takedown during [REDACTED] arrest. [REDACTED] sustained an injury to his scalp area just above his forehead. Although [REDACTED] did not cooperate with the investigation, he stated on the BWC that he was struck on the head with a gun. [REDACTED] also told the hospital staff at Loretto Hospital that he was struck in the head with a gun. The medical records noted a small abrasion on [REDACTED] head. It is unclear how this injury occurred. COPA finds the allegation is Not Sustained.

Approved:

[REDACTED]

Sharday Jackson  
Deputy Chief Administrator – Chief Investigator

December 28, 2023

Date

<sup>27</sup> Att. 21 at 13:12, and Att. 24 at 19:58.

<sup>28</sup> Att. 21 at 16:31, att. 24 at 15:34. The Body-Worn-Camera (BWC) of this incident depicts the arrest but does not show that either of the officers hit [REDACTED] on or about his head with their firearm.

<sup>29</sup> For a definition of COPA's findings and standards of proof, *see* Appendix B.

Appendix ACase Details

Date/Time/Location of Incident:	October 16, 2020/8:04 P.M./6 W. Madison St.
Date/Time of COPA Notification:	October 16, 2020/9:14 P.M.
Involved Member #1:	Christian Szczur, Star #18774, Employee ID# [REDACTED], Date of Appointment: 2/02/2015, Unit of Assignment: 015, Male, White.
Involved Member #2:	Danilo Loza, Star #16201, Employee ID# [REDACTED], Date of Appointment: 8/25/2014, Unit of Assignment: 015, Male, White.
Involved Individual #1:	[REDACTED] Male, 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

- No policies or laws are applicable.

## 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.<sup>30</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>31</sup>

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<sup>30</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>31</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 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 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