



Log # 2020-5254

FINAL SUMMARY REPORT¹

I. EXECUTIVE SUMMARY

On November 20, 2020, the Civilian Office of Police Accountability (COPA) received an Initiation Report from Sergeant (Sgt.) Anil Hamid reporting alleged misconduct by a member of the Chicago Police Department (CPD). Sgt. Hamid documented that on November 20, 2020, he responded to a domestic battery incident where the offender under arrest, ██████████, alleged that Officer William Guzman choked him. In an interview with COPA on November 24, 2020, ██████████ reiterated the choking allegation and also alleged that Officer Guzman intentionally stepped on his left ankle.² Following its investigation, COPA reached Not Sustained findings regarding both allegations.

II. SUMMARY OF EVIDENCE³

On November 20, 2020, at approximately 12:53 am, ██████████ called 911 and reported a domestic disturbance occurring at ██████████. The 911 dispatcher documented that ██████████ and her child were physically harmed by her husband, ██████████, who was intoxicated.⁴ Officer Ernest Mategrano, Officer Marco Coti, Officer William Guzman, Officer Erika Villanueva, and Officer Shadi Asfour responded to the incident address. The officers spoke with ██████████ who related that her husband, who was intoxicated, was upset about a family issue and had slapped her across the face and attempted to choke her.⁵ ██████████ then signed complaints against ██████████ for domestic battery.⁶ As the officers attempted to place ██████████ under arrest, he resisted by stiffening his body, pulling away, and refusing to follow verbal direction.⁷ Officers were eventually able to handcuff ██████████ who was walked to a parked CPD vehicle. When walking to the vehicle, ██████████ specifically accused Officer Guzman of intentionally stepping on his left ankle. ██████████ further resisted being placed into the police vehicle, refusing to put both legs inside the car, and

¹ 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.

² 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.

³ The following is a summary of what COPA finds most likely occurred during this incident. This summary utilized information from several different sources, including police reports, body-worn camera (BWC) footage, civilian interviews, and officer interviews.

⁴ Att. 17, pg. 4.

⁵ Att. 3, pg. 3.

⁶ Att. 3, pg. 3.

⁷ Att. 20, pg. 1.

attempted to exit the vehicle by pushing out and falling to his knees.⁸ He also complained that he had difficulty breathing and that Officer Guzman had choked him.⁹ EMS was requested by the officers, and ██████████ was transported to MacNeal Hospital. He was later discharged back into CPD custody without treatment.¹⁰

III. ALLEGATIONS

Officer William Guzman, Star #5894:

1. Intentionally stepping on the left ankle of ██████████ without justification.
 - Not Sustained.
2. Choking ██████████ without justification.
 - Not Sustained.

IV. CREDIBILITY ASSESSMENT

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

V. ANALYSIS¹¹

It has first been alleged that Officer William Guzman intentionally stepped on the left ankle of ██████████ without justification. Under CPD policy, the main issues in evaluating every use of force are whether the amount of force used by the officer was (1) objectively reasonable in light of the totality of the circumstance faced by the officer; (2) necessary; and (3) proportional to the threat, actions, and level of resistance offered.¹² The analysis of the reasonableness of an officer's actions must be grounded in the perspective of a reasonable officer on the scene, in the same or similar circumstances, and not with benefit of the 20/20 hindsight.¹³ The factors to be considered in assessing the reasonableness of force include, but are not limited to, (1) whether the person is posing an imminent threat to the officer or others; (2) the risk of harm, level of threat, or resistance presented by the person; (3) the person's proximity or access to weapons; (4) whether de-escalation techniques can be employed or would be effective; and (5) the availability of other resources.¹⁴ In all uses of force, the goal of a CPD member's response is to act with the "foremost regard for the preservation of human life and the safety of all persons involved."¹⁵

⁸ Att. 3, pg. 3. *See also* Att. 19, pg. 2.

⁹ Att. 1.

¹⁰ Att. 19, pg. 2.

¹¹ For a definition of COPA's findings and standards of proof, *see* Appendix B.

¹² Att. 37, G03-02(III)(B), Use of Force (effective February 29, 2020, to April 15, 2021).

¹³ *See* Plumhoff v. Rickard, 572 U.S. 765, 775 (2014).

¹⁴ Att. 37, G03-02(III)(B)(1).

¹⁵ Att. 37, G03-02(II)(A).

CPD directives define “force” as any physical contact by a CPD member, either directly or through the use of equipment, to compel a person’s compliance.¹⁶ Officers may only use force that is objectively reasonable, necessary, and proportional under the totality of the circumstances in order to ensure the safety of officers or others, stop an attack, make an arrest, prevent an escape, or to bring a person or situation safely under control.¹⁷ Further, officers will only use force that is comparative to the actions and level of resistance offered by a person.¹⁸ The directives additionally classify persons interacting with CPD members into four categories: cooperative persons, passive resistors, active resistors, and assailants. A cooperative person is compliant without the need for physical force.¹⁹ Next, a passive resistor is defined as a person who fails to comply with verbal or other direction, while an active resistor is defined as someone who attempts to create distance between themselves and an officer’s reach with the intent to avoid physical control and/or defeat arrest.²⁰ Lastly, an assailant is defined as someone who is using or threatening the use of force against another person or themselves, which is likely to cause physical injury.²¹

COPA finds that [REDACTED] was a combination of an active and passive resistor. This is due to him stiffening and pulling away from officers in an attempt to create distance between himself and the officers to avoid control, as well as his resistance to enter the CPD vehicle and overall failure to comply with verbal direction.²² When dealing with active and passive resistors, CPD members are permitted to utilize holding techniques such as firm grips, arm grabs, and come-along holds,²³ as well as compliance techniques, which are designed to amplify non-impact pressure through the use of joint manipulation and pressure point techniques to sensitive areas of the body,²⁴ in order to gain the compliance of the subject. Verbal control techniques, such as instructions, directions, and warnings, are also appropriate.²⁵

Officer Guzman can be seen on BWC footage using his foot to move [REDACTED] left leg as officers are attempting to escort him to the waiting CPD vehicle.²⁶ In his interview with COPA, Officer Guzman explained that during the escort [REDACTED] tried to trip him, and they engaged in what Officer Guzman called “footsie,”²⁷ which Officer Guzman believed to be [REDACTED] attempt to delay or impede the escort. The BWC footage does not show Officer Guzman using forceful or concentrated striking movements (direct mechanical techniques) with his leg or foot; rather, he appears to be attempting to use his leg and foot to gain leverage when [REDACTED] stopped walking and planted his feet, refusing to move forward.

¹⁶ Att. 37, G03-02(III)(A).

¹⁷ Att. 37, G03-02(III)(B).

¹⁸ Att. 37, G03-02(III)(B)(3).

¹⁹ Att. 38, G03-02-01(IV)(A), Force Options (effective February 29, 2020, to April 15, 2021).

²⁰ Att. 38, G03-02-01(IV)(B).

²¹ Att. 38, G03-02-01(IV)(C).

²² Att. 20.

²³ Att. 38, G03-02-01(IV)(B)(1)(a).

²⁴ Att. 38, G03-02-01(IV)(B)(1)(b).

²⁵ Att. 38, G03-02-01(IV)(A)(2).

²⁶ Att. 30 at 21:00.

²⁷ Att. 16.

Based on the applicable CPD directives, Officer Guzman's actions as observed on BWC footage, and Officer Guzman's statement to COPA, COPA finds that Officer Guzman did not use direct mechanical techniques (which would be appropriate only against an assailant) when he used his leg and foot to move [REDACTED]. Rather, COPA finds by a preponderance of evidence that the techniques that Officer Guzman used are best classified as holding or compliance techniques, which can be appropriate when dealing with a passive or active resistor. These techniques were also reasonable, necessary, and proportionate under the circumstances presented here, as [REDACTED] had refused multiple verbal commands to walk to the squad car and had firmly planted his feet and refused to move. As such, COPA finds that **Allegation #1** against Officer Guzman is **Not Sustained**.²⁸

It has next been alleged that Officer Guzman choked [REDACTED] without justification. CPD General Order G03-02-01 defines a chokehold as applying direct pressure to a person's trachea or airway with the intention of reducing the intake of air.²⁹ Chokeholds or other maneuvers for applying direct pressure on a windpipe or airway are only justified as a use of deadly force.³⁰ Holding and control techniques involving contact with the neck, but which are not intended to reduce the intake of air, are not defined as chokeholds.³¹

While still at the scene of his arrest, [REDACTED] told Sgt. Hamid that Officer Guzman had choked him while attempting to place him in a squad car.³² Sgt. Hamid noted in his Initiation Report that he did not observe any marks on [REDACTED] neck.³³ Also, photographs taken by a CPD evidence technician taken on the date of the incident do not depict any marks or injury on [REDACTED] neck.³⁴ In his interview with COPA, Officer Guzman explained that after placing [REDACTED] in the CPD vehicle, [REDACTED] was seated on the rear passenger seat partially inside of the car with his legs hanging out on the street. Officer Guzman recounted that he went to the other side of the vehicle and tried to pull [REDACTED] inside using [REDACTED] hooded sweatshirt.³⁵ Then, [REDACTED] began to yell that Officer Guzman was choking him, so Officer Guzman stopped pulling. Officer Guzman explained that he grabbed ahold of [REDACTED] sweatshirt on the lower back and up near his armpits when he pulled on him three to four times before stopping after about three to five seconds. Officer Guzman explained that he may have accidentally pulled on the hooded part of [REDACTED] sweatshirt, but never put any pressure directly on [REDACTED] neck or airway. This is also depicted on BWC footage where Officer Guzman can be seen pulling on [REDACTED] sweatshirt while he is seated in the

²⁸ COPA does not reach a finding of Unfounded because all the contact between Officer Guzman and [REDACTED] was not captured on BWC footage, and it is possible that Officer Guzman may have stepped on [REDACTED] ankle outside the view of the various BWC recordings. COPA also notes that Officer Guzman's BWC fell off his chest and landed on the ground during the escort, and COPA relied on recordings from other CPD members to determine what happened.

²⁹ Att. 38, G03-02-01(IV)(C)(2)(d)(1).

³⁰ Att. 38, G03-02-01(IV)(C)(2)(d)(1).

³¹ Att. 38, G03-02-01(IV)(C)(2)(d)(2).

³² Att. 1.

³³ Att. 1.

³⁴ Atts. 6 to 8.

³⁵ Att. 16.

squad car with his legs outside on the street, apparently attempting to get [REDACTED] fully inside the vehicle.³⁶ Officer Guzman further noted in his Tactical Response Report that he pulled [REDACTED] by his shirt to get him into the squad car.³⁷

It is more likely than not that Officer Guzman did not intentionally apply direct pressure on [REDACTED] airway for the purpose of reducing his intake of air. Officer Guzman's grip and pull of [REDACTED] sweatshirt is best classified as a holding technique used to get [REDACTED] to move a certain direction, using a pull on his clothing to gain compliance. Holding and control techniques involving incidental contact with the neck, which are not intended to reduce the intake of air, are not defined as chokeholds, and may be permissible depending on the level of a subject's resistance and the surrounding circumstances.³⁸ Here, Officer Guzman may have caused discomfort to [REDACTED] neck by pulling on [REDACTED] clothing, but [REDACTED] ability to breathe does not appear to have been impeded, and Officer Guzman released his grip almost immediately when [REDACTED] began shouting.

Based on CPD's policies regarding uses of force, Officer Guzman's reports and statement, the available BWC footage, and other evidence discussed above, COPA finds by a preponderance of evidence that Officer Guzman did not choke [REDACTED]. Therefore, COPA finds that **Allegation #2** against Officer Guzman is **Not Sustained**.³⁹

Approved:

[REDACTED]

12-28-2023

Angela Hearts-Glass
Deputy Chief Administrator – Chief Investigator

Date

³⁶ Att. 34 at 26:52.

³⁷ Att. 20, pg. 2.

³⁸ Att. 38, G03-02-01(IV)(C)(2)(d)(2).

³⁹ COPA does not reach a finding of Unfounded because all the contact between Officer Guzman and [REDACTED] was not captured on BWC footage, and there is no direct view of Officer Guzman's hand placement when he gripped [REDACTED] clothing. COPA also notes that Officer Guzman's BWC fell off his chest and landed on the ground during the escort, and COPA relied on recordings from other CPD members to determine what happened.

Appendix ACase Details

Date/Time/Location of Incident:	November 20, 2020 / 1:20 am / [REDACTED].
Date/Time of COPA Notification:	November 20, 2020 / 4:45 am
Involved CPD Member #1:	Officer William Guzman / Star #5894 / Employee ID # [REDACTED] / DOA: July 30, 2007 / Unit: 008 / Hispanic / Male
Involved Individual #1:	[REDACTED] / Hispanic / Male

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.

Applicable Policies and Laws

- **General Order G03-02:** Use of Force (effective February 29, 2020, to April 15, 2021).⁴⁰
- **General Order G03-02-01:** Force Options (effective February 29, 2020, to April 15, 2021).⁴¹

⁴⁰ Att. 37.

⁴¹ Att. 38.

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.⁴² 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.”⁴³

⁴² 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).

⁴³ *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 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