



Log # 2020-3240

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

### I. EXECUTIVE SUMMARY

On July 17, 2020, the Civilian Office of Police Accountability (COPA) received a faxed complaint from Chicago Police Department, Sergeant Mark Mocarski reporting alleged misconduct by a member of the Chicago Police Department (CPD). ██████████ alleged that on July 17, 2020, Officer Kerry Pozulp used excessive force on him without justification.<sup>2</sup> Following its investigation, COPA reached **Not Sustained** findings regarding the allegations of excessive force without justification.

### II. SUMMARY OF EVIDENCE<sup>3</sup>

On July 17, 2020, several officers were assigned to a mass gathering that begun at Grant Park, which started at Buckingham Fountain and continued southbound to the Columbus Statue located on Columbus Drive and Roosevelt Rd.<sup>4</sup> As protesters arrived at the Columbus Statue they blocked the entrance of Columbus Drive and Roosevelt Rd with their bikes, preventing officers' attempted entry.<sup>5</sup> Upon arrival, protestors are seen throwing objects at the officers surrounding the Columbus Statue.<sup>6</sup> ██████████ is seen continuously striking various unknown uniformed officers with a flag pole.<sup>7</sup> More items like cans and fireworks are seen thrown at the officers near the Columbus statue.<sup>8</sup> After some time, Captain Jacob Alderden instructed officers to leave the Columbus statue and they retreated towards Columbus Drive and Roosevelt Rd.<sup>9</sup> As the officers retreated, officers and protesters engaged in several physical skirmishes pushing each other.<sup>10</sup> Officers attempted to apprehend ██████████ but he managed to evade capture and ran back into the crowd.<sup>11</sup> As ██████████ ran toward the crowd he encountered Officer Pozulp. Officer Pozulp struck ██████████ with his baton and

---

<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> 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.

<sup>3</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, but not limited to, BWC footage, Department reports, and officer interviews. Note: COPA attempted to interview the Complainant on several occasions.

<sup>4</sup> Att. 18 Pozulp COPA statement PG. 7 LN, 14-21

<sup>5</sup> Att. 12 PO Maravic BWC 14:40-15:06

<sup>6</sup> Att. 12 PO Maravic BWC 14:08-15:12

<sup>7</sup> Att. 12 PO Maravic BWC 15:12-15:42

<sup>8</sup> Att. 7 PO Laurenzana BWC 04:00-06:20

<sup>9</sup> Att. 7 PO Laurenzana BWC 06:36-06:45

<sup>10</sup> Att. 7 PO Laurenzana BWC 06:40-08:00

<sup>11</sup> Att. 8 PO Wilson BWC 17:13-17:59

████████ fell to the ground.<sup>12</sup> ██████████ was then detained and arrested by Officer Wilson and Officer Maravic.<sup>13</sup>

### III. ALLEGATIONS

#### Officer Kerry Pozulp:

1. Striking ██████████ with a baton without justification.  
- **Not sustained**

### IV. CREDIBILITY ASSESSMENT

COPA interviewed Officer Kerry Pozulp November 1, 2023. This investigation did not reveal any evidence that caused COPA to doubt the credibility of the officer who provided his statement.<sup>14</sup>

### V. ANALYSIS<sup>15</sup>

#### a. Excessive force

COPA finds the allegation that Officer Pozulp struck ██████████ with a baton without justification is **Not Sustained**.

The Chicago Police Department Force Option Model classifies an assailant as someone using or threatening to use of force without weapons, actions likely to cause physical harm.<sup>16</sup> Whereas, an active resister is an individual who moves to avoid physical control.<sup>17</sup> A member's proportional response for an assailant includes, but is not limited to, focused pressure strikes, impact weapons, impact munitions, diffused pressure strikes, emergency takedowns, and control instruments.<sup>18</sup> Per Department's Baton Use General Order, members are prohibited from using a batons to intentionally strike a subject in the head or neck except when deadly force is justified.<sup>19</sup>

On July 17, 2020, Officer Pozulp was assigned to the mass gathering occurring at Grant Park beginning at Buckingham fountain and escorting the march south to the Columbus statue. Officer Pozulp stated during his COPA statement that the officers had rocks, frozen bottles, and fireworks thrown at them.<sup>20</sup>

---

<sup>12</sup> Att. 11 PO Pozulp BWC 45:48-46:04

<sup>13</sup> Att. 8 PO Wilson BWC 18:43-21:43

<sup>14</sup> Att. 18 Pozulp COPA statement PG. 7 LN, 14-21

<sup>15</sup> For a definition of COPA's findings and standards of proof, *see* Appendix B.

<sup>16</sup> Att. 20

<sup>17</sup> Att. 20

<sup>18</sup> Att. 20

<sup>19</sup> Att. 19 Baton Use Incidents G03-02-07 II.D.1.

<sup>20</sup> Att. 18 Pozulp COPA statement PG. 9, LN 7-11, Ln 17, LN 23-24



Appendix ACase Details

Date/Time/Location of Incident:	July 17, 2020, at 7:28 pm, 1150 S. Columbus Dr.
Date/Time of COPA Notification:	July 17, 2020, at 11:01 pm.
Involved Member #1:	Officer Kerry Pozulp, Star #7776, Employee ID # [REDACTED], DOA: Oct 31, 2005, Unit: 001, Male, White.
Involved Individual #1:	[REDACTED] Male, White.

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

- The Chicago Police Department, Force Option Model
- G03-02-07: Baton Use Incidents (February 29, 2020, to April 15, 2021)

## 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>29</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>30</sup>

---

<sup>29</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>30</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