



Log # 2021-3298

FINAL SUMMARY REPORT¹

I. EXECUTIVE SUMMARY

On August 22, 2021, Chicago Police Department (CPD) Sergeant Elmer Fabian notified the Civilian Office of Police Accountability (COPA) of a Taser deployment. Sergeant Fabian reported that Officer Germaine Wrencher discharged his Taser at [REDACTED] after [REDACTED] ignored verbal commands and resisted Officer Wrencher's attempts to handcuff him. Upon review of the evidence, COPA served allegations that Officer Wrencher tased [REDACTED] six times without justification, kicked [REDACTED] and failed to identify himself when requested by [REDACTED].² COPA also served allegations against Officer Bohdan Javorsky for failing to intervene when Officer Wrencher discharged his Taser. Following its investigation, COPA reached sustained findings against both officers related to the Taser discharge.

II. SUMMARY OF EVIDENCE³

On August 22, 2021, Officers Wrencher and Javorsky responded to a person with a weapon call at the Travelodge Hotel located at 65 E. Harrison St., Chicago, IL 60605.⁴ In their COPA statements, Officers Wrencher and Javorsky explained that upon their arrival, they spoke with a hotel employee, [REDACTED]⁵ who reported that [REDACTED] had headbutted him. [REDACTED] declined medical assistance and did not want to file a complaint, but he wanted [REDACTED] removed from the hotel premises. When the officers approached [REDACTED] was asleep on the ground outside the hotel entrance, next to several shopping carts filled with his belongings. Officer Wrencher lightly kicked the bottom of [REDACTED] foot to get his attention.⁶ Officer Wrencher explained that he tapped the bottom of [REDACTED] foot because, prior to approaching [REDACTED] he had learned that [REDACTED] was the person suspected of battering [REDACTED] therefore, he did not want to place himself in a dangerous position by leaning over or whispering in [REDACTED] ear.⁷

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 body worn camera (BWC) footage, third-party videos, eyewitness and officer interviews, CPD reports, the taser download report, ambulance report, and medical records. COPA was unable to interview [REDACTED] as all efforts at contacting him were unsuccessful.

⁴ Att. 56 at 7:21 to 8:00.

⁵ COPA interviewed [REDACTED] who also provided cell phone video of the incident. See Atts. 70 to 71. [REDACTED] statement and cell phone video are consistent with the other evidence.

⁶ Att. 41 at 00:00:12; Att. 56 at 11:35 to 11:47 and 13:51 to 14:40.

⁷ Att. 56 at 13:51 to 15:39.

Once ██████ became alert, he asked Officer Wrencher to identify himself, and Officer Wrencher provided his name.⁸ The officers explained that ██████ was trespassing on the hotel's property and asked him to leave; however, ██████ responded that he was safe there and did not want to leave.⁹ After ██████ failed to comply with the officers' orders to leave the hotel property, Officer Wrencher decided to arrest ██████. As Officer Wrencher attempted to handcuff ██████, ██████ tried to run but was immediately apprehended. The officers then engaged in a struggle with ██████ on the ground. Officer Wrencher was only able to handcuff ██████ left wrist, as ██████ held his right arm underneath his body. Officer Wrencher told COPA that because only one wrist was handcuffed, he considered ██████ an offender with a weapon.¹⁰

When the struggle ceased, ██████ remained on the ground, face up. ██████ hands were in clear view, as he clutched a cell phone in his right hand and had a single handcuff on his left wrist. Officer Wrencher repeatedly threatened to tase ██████ if he did not turn over.¹¹ ██████ remained motionless on the ground while repeatedly asking what he did wrong and pleading with Officer Wrencher not to tase him. Officer Wrencher told COPA that he considered ██████ lack of movement to be stiffening, a form of resisting arrest.¹² At that point, Officer Wrencher discharged his Taser at ██████.¹³



Figure 1: Screenshot from Officer Javorsky's BWC showing ██████ position at the time Officer Wrencher first discharged his Taser.

⁸ Att. 1 at 4:04 to 4:07; Att. 56 at 13:03 to 13:50.

⁹ Att. 1 at 1:59 to 4:25.

¹⁰ Att. 56 at 22:33 to 23:33.

¹¹ Att. 1 at 4:37 to 4:40.

¹² Att. 56 at 21:37 to 22:22.

¹³ Att. 1 at 4:46 to 4:54; Att. 2 at 7:00.

When the first five-second Taser cycle ended, Officer Wrencher asked ██████ if he was “ready for another one.”¹⁴ Officer Wrencher then immediately discharged his Taser at ██████ a second time. As ██████ crouched on the ground in a fetal position, Officer Javorsky urged Officer Wrencher to “tase him again.”¹⁵ Officer Javorsky explained that he told Officer Wrencher to tase ██████ again, because he thought another cycle would cause ██████ muscles to lock, which would make it easier to handcuff him.¹⁶ Officer Wrencher complied with his partner’s request, and the third Taser discharge caused ██████ to scream in pain.¹⁷

██████ repeatedly yelled, “What did I do?,”¹⁸ as he ignored Officer Wrencher’s verbal commands to turn over. Officer Wrencher then discharged his Taser at ██████ a fourth time.¹⁹ As ██████ pled for the officers to stop, Officer Wrencher threatened to tase him again. ██████ yelled no, then used his left hand to swipe at the officers. At that point, Officer Wrencher discharged his Taser at ██████ a fifth time.²⁰ Officer Wrencher discharged his Taser at ██████ a sixth and final time after ██████ attempted to stand up.²¹ In total, ██████ was exposed to six reenergized Taser cycles and a cumulative 28 seconds of energy.²² After the officers gained control of ██████ he was handcuffed, placed in a squadrol, and transported to Mercy Hospital, where he was treated and released.²³

The Taser Download Report for Taser serial number ██████ confirms that the Taser’s trigger was first pulled at 2:51:09 am, deploying the first cartridge and activating the Taser for five seconds. The Taser was then arced at 2:51:16 am, 2:51:25 am, and 2:51:36 am, reenergizing it for five seconds, five seconds, and three seconds. At 2:52:26 am, Officer Wrencher pulled the trigger again, thereby deploying the second cartridge and activating the Taser for five seconds. Finally, at 2:52:35 am, Officer Wrencher reactivated the second cartridge for five additional seconds.²⁴

III. ALLEGATIONS²⁵

Officer Germaine Wrencher:

1. Discharging your Taser at ██████ in violation of General Order G03-02-04.
 - *Sustained, Violation of Rules 2, 3, 6, 8, and 9*

¹⁴ Att. 1 at 4:52 to 4:57; Att. 2 at 7:01 to 7:03.

¹⁵ Att. 1 at 5:03 to 5:05; Att. 2 at 7:17 to 7:18.

¹⁶ Att. 58 at 12:28 to 13:35.

¹⁷ Att. 1 at 5:03 to 5:09; Att. 2 at 7:18 to 7:23.

¹⁸ ██████ asked this question at least fifteen times during the incident. He also begged the officers to stop, requested a supervisor, and repeatedly cried that he wanted to go to the hospital. Att. 1 at 4:26 to 7:00; Att. 2 at 6:42 to 9:15.

¹⁹ Att. 1 at 5:15 to 5:18.

²⁰ Att. 1 at 6:00 to 6:07; Att. 2 at 8:14 to 8:16; Att. 71 at 0:52 to 0:57.

²¹ Att. 1 at 6:06 to 6:08.

²² Att. 53.

²³ Att. 10.

²⁴ Att. 53.

²⁵ Officer Javorsky was originally served two allegations; however, upon further review of the evidence, COPA withdrew one of the allegations against him.

2. Kicking [REDACTED] without justification.
 - *Exonerated*
3. Failing to identify yourself when requested by [REDACTED]
 - *Unfounded*

Officer Bohdan Javorsky:

1. Failing to intervene when Officer Wrencher discharged his Taser at [REDACTED] in violation of G03-02.
 - *Sustained, Violation of Rules 2, 3, 5, 6, 8, and 9*

IV. CREDIBILITY ASSESSMENT

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

V. ANALYSIS²⁶

a. Officer Wrencher Discharged His Taser At [REDACTED] Without Justification.

COPA finds Allegation 1 against Officer Wrencher, that he discharged his Taser at [REDACTED] without justification, is **sustained**. Under CPD policy, “The Taser is a device used to control and subdue an active resister.”²⁷ An active resister is defined as “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.”²⁸ This type of resistance includes, but is not limited to, evasive movement of the arm, flailing arms, and full flight by running.²⁹ In contrast, a passive resister is “a person who fails to comply (non-movement) with verbal or other direction.”³⁰

Even when it is permissible to use a Taser, a CPD member’s use of a Taser “must be objectively reasonable, necessary, and proportional to the threat, actions, and level of resistance offered by a subject, under the totality of the circumstances.”³¹ Additionally, in determining whether it is appropriate to use a Taser, CPD members are required to balance the risks and benefits of a Taser discharge based on several factors, including: (a) the threat presented by the subject to the officer or the public; (b) the threat presented by the subject to himself or herself; (c) the availability of other force actions; (d) the likely outcome of the Taser use; (e) the risk of injury; (f)

²⁶ For a definition of COPA’s findings and standards of proof, *see* Appendix B.

²⁷ Att. 61, G03-02-01(IV)(B)(2)(c)(5)(a), Response to Resistance and Force Options (effective April 15, 2021 to June 28, 2023).

²⁸ Att. 61, G03-02-01(IV)(B)(2).

²⁹ Att. 61, G03-02-01(IV)(B)(2)(a).

³⁰ Att. 61, G03-02-01(IV)(B)(1).

³¹ Att. 62, G03-02-04(II)(C), Taser Use Incidents (effective April 15, 2021 to June 28, 2023).

the subject's apparent age, size, physical and mental condition, disability, and impairment; and (g) the seriousness of the offense and whether Taser discharge is immediately necessary.³²

Here, ██████ actions during the incident transitioned between those of a passive resister and an active resister. However, video evidence shows that immediately prior to Officer Wrencher's first, second, and third Taser discharges, ██████ was lying motionlessly on his back, with his hands in the air, clutching a cell phone in his right hand. While he had a handcuff on his left wrist, he was not attempting to use the handcuff to harm the officers, and he was not actively resisting. Therefore, ██████ was merely a passive resister, for which use of the Taser was not permissible.³³

When Officer Wrencher tased ██████ a fourth time, ██████ was still on the ground and leaning against the building, facing the officers. As ██████ pled for the officers to stop and repeated that he did not do anything, Officer Wrencher threatened to tase him again. ██████ then swiped at the officers with his left hand, and Officer Wrencher discharged his Taser a fifth time. Prior to the sixth Taser discharge, ██████ attempted to stand up, but the officers were able to keep him on the ground. Although ██████ could reasonably be considered an active resister during the final Taser discharges, the totality of the circumstances demonstrates that none of discharges were objectively reasonable, necessary, or proportional.³⁴ Neither Officer Wrencher nor his partner attempted to use de-escalation techniques or principles of force mitigation, as required by CPD policy.³⁵ Instead, Officer Wrencher's repeated and unjustified Taser discharges served only to escalate the situation.

Furthermore, based on Officer Wrencher's own comments during the incident, his use of the Taser became retaliatory. After the first Taser discharge did not immediately result in ██████ compliance, Officer Wrencher asked ██████ if he was ready to be tased again, essentially suggesting it was punishment for failure to comply. CPD policy prohibits all forms of retaliation, including the use of force as punishment or retaliation for fleeing, resisting arrest, or insulting a CPD member.³⁶ Here, Officer Wrencher's repeated use of the Taser appeared to be retaliation for ██████ failure to allow the officers to handcuff him. This was an abuse of Officer Wrencher's authority, which is expressly prohibited by CPD policy.³⁷

³² Att. 62, G03-02-04(II)(C)(2).

³³ Att. 61, G03-02-01(IV)(B)(1). Officer Wrencher told COPA that ██████ "was an assailant each of the six times" he tased him. This statement, however, is wholly refuted by the video evidence. Att. 66, pg. 22, lns. 16 to 17.

³⁴ Additionally, Officer Wrencher's final three Taser discharges constituted a clear violation of CPD policy, which states that, if a "subject has been exposed to three, five-second energy cycles (or has been exposed to a cumulative 15 total seconds of energy) and the member has not gained control of the subject, [the member will] switch to other force options unless the member can reasonably justify that continued Taser use was necessary to ensure the safety of the member or another person." The policy explains that prolonged Taser exposure may increase the risk of serious injury or death. Att. 62, G03-02-04(III)(B)(7).

³⁵ Att. 61, G03-02-01(II)(B) ("Department members are required to use de-escalation techniques to prevent or reduce the need for force, unless doing so would place a person or a Department member in immediate risk of harm, or de-escalation techniques would be clearly ineffective under the circumstances at the time...")

³⁶ Att. 72, G08-05(III)(E)(1), Prohibition of Retaliation (effective December 30, 2020 to present).

³⁷ Att. 72, G08-05(III)(B).

For the above reasons, COPA finds that Officer Wrencher's Taser discharges were both an egregious violation of CPD's use of force policy and were retaliatory in nature. Officer Wrencher tased ██████ not once, not twice, but *six* times, exposing ██████ to almost 30 seconds of energy. Accordingly, the allegation that Officer Wrencher discharged his Taser in violation of G03-02-04 is **sustained** as a violation of CPD Rules 2, 3, 6, 8, and 9.

b. Officer Wrencher Did Not Kick ██████ Without Justification.

COPA finds that, while Officer Wrencher lightly tapped ██████ foot with his own foot, he did not use impact force to kick ██████. Officers Wrencher and Javorsky were dispatched to a call of a person with a weapon. When they arrived on the scene, they learned that ██████ had recently battered a Travelodge employee. Officer Wrencher located ██████ lying face-down on the sidewalk, with his hands concealed underneath him. Video footage shows that Officer Wrencher used his foot to tap ██████ foot to rouse him, because ██████ was in the doorway to the Travelodge and was apparently unaware of the officers' presence.³⁸ Furthermore, Officer Wrencher explained that he did not feel comfortable getting close to ██████ who had just headbutted the receptionist for the Travelodge. Under these circumstances, COPA finds that Officer Wrencher's initial interaction with ██████ was reasonable, and the officer's action did not rise to the level of an actual kick. Because Officer Wrencher merely used his foot to tap ██████ to rouse him, COPA finds the allegation that Officer Wrencher kicked ██████ is **exonerated**.

c. Officer Wrencher Identified Himself Upon Request By ██████

CPD Rules and Regulations, Rule 37, requires officers to identify themselves by name, rank and star number when requested to do so by another CPD member or a private citizen.³⁹ In this case, verifiable video evidence confirms that Officer Wrencher clearly and correctly identified himself to ██████⁴⁰ Because Officer Wrencher did not fail to identify himself, COPA finds Allegation 3 is **unfounded**.

d. Officer Javorsky Failed To Intervene When His Partner Used Excessive Force.

Officer Javorsky explained that he urged Officer Wrencher to discharge his Taser at ██████ because ██████ was kicking and swiping at them. While COPA recognizes this was a tense and rapidly evolving situation, the video evidence clearly shows that ██████ was neither kicking nor swiping at the officers the first four times that Officer Wrencher discharged his Taser. Thus, as discussed above, these Taser discharges were not within CPD policy.

³⁸ Att. 41 at 0:13.

³⁹ Chicago Police Department, Rules and Regulations Rule 37.

⁴⁰ Att. 1 at 4:04 to 4:07.

Officers have a duty to intervene when they observe another officer using unlawful force. CPD policy is clear; “A Department member who directly observes a use of force and identifies the force as excessive or otherwise in violation of this directive will, except in extraordinary circumstances, act to intervene on the person’s behalf. Such action may include, but is not limited to, verbally or physically intervening to try to stop the violation.”⁴¹

Here, video evidence shows that Officer Javorsky did not merely fail to intervene in Officer Wrencher’s excessive force; he actually encouraged Officer Wrencher to continue tasing ██████████. In fact, after the second Taser discharge, while ██████████ was crouched on the ground in a fetal position, Officer Javorsky urged Officer Wrencher to “tase him again.”⁴² Thus, Officer Javorsky encouraged Officer Wrencher’s misconduct, instead of intervening to stop it. For these reasons, COPA finds that Allegation 1 against Officer Javorsky is **sustained** as a violation of CPD Rules 2, 3, 5, 6, 8, and 9.

VI. DISCIPLINARY RECOMMENDATION

a. Officer Germaine Wrencher

i. Complimentary and Disciplinary History⁴³

Officer Wrencher has received 58 various awards and has no sustained complaints in the last five years. In 2022, he received a SPAR for a preventable traffic accident, for which no disciplinary action was taken.

ii. Recommended Discipline⁴⁴

COPA has found that Officer Wrencher violated Rules 2, 3, 6, 8, and 9 by repeatedly discharging his Taser at ██████████ without justification. Officer Wrencher tased ██████████ six times, and prior to at least four of those discharges ██████████ was merely a passive resister. In fact, when Officer Wrencher first discharged his Taser, ██████████ was lying on his back with his hands in the air in front of him. ██████████ was a vulnerable and apparently unhoused individual who did not understand why he could not sleep on the sidewalk and repeatedly asked, “What did I do?” Instead of employing de-escalation techniques or force mitigation principles, Officer Wrencher immediately resorted to his Taser. He then continued to discharge his Taser in apparent retaliation for ██████████ failure to cooperate. This is evidenced by Officer Wrencher asking ██████████ if he was ready for another Taser discharge. Officer Wrencher also failed to take responsibility for his misconduct, inaccurately telling COPA that ██████████ was an assailant every time he tased him. Officer Wrencher’s actions flagrantly violated CPD policy and brought substantial discredit to the

⁴¹ Att. 64, G03-02(VII)(A), De-escalation, Response to Resistance, and Use of Force (effective April 15, 2021 to June 28, 2023).

⁴² Att. 1 at 5:03 to 5:09; Att. 2 at 7:18 to 7:23.

⁴³ Att. 65, pgs. 1 to 3.

⁴⁴ See CMS Notes for additional factors considered in recommending discipline.

Department. His conduct was even more inexcusable for an officer with over twenty years of experience. For these reasons, COPA recommends Officer Wrencher receive a **minimum suspension of 120 days**.

b. Officer Bohdan Javorsky

i. Complimentary and Disciplinary History⁴⁵

Officer Javorsky has received 17 various awards and has no disciplinary history in the last five years.

ii. Recommended Discipline

COPA has found that Officer Javorsky violated Rules 2, 3, 5, 6, 8, and 9 when he failed to intervene in Officer Wrencher's unjustified Taser discharges against [REDACTED]. Officer Javorsky's misconduct is particularly egregious given that he did not merely fail to stop Officer Wrencher's abuse of [REDACTED] he actively encouraged Officer Wrencher to continue tasing [REDACTED]. Additionally, Officer Javorsky failed to take responsibility during his COPA statement, insisting that [REDACTED] was an active resister and there was no excessive force in which he needed to intervene. For these reasons, COPA finds that Officer Javorsky is just as culpable for the gross maltreatment of [REDACTED] as is Officer Wrencher. However, given his relative inexperience as an officer at the time of the incident, COPA recommends he receive a **minimum suspension of 90 days**.

Approved:

[REDACTED]

Steffany Hreno *Director of Investigations*

7/10/2023

Date

⁴⁵ Att. 65, pgs. 4 to 6.

Appendix ACase Details

Date/Time/Location of Incident:	August 21, 2021 / 2:51 am / 65 E. Harrison St., Chicago, IL, 60605
Date/Time of COPA Notification:	August 22, 2021 / 5:19 am
Involved Member #1:	Germaine Wrencher, Star# 12375, Employee ID# [REDACTED] Date of Appointment: December 18, 2000, Unit of Assignment: 001, Male, Black
Involved Member #2:	Bohdan Javorsky, Star# 14113, Employee ID# [REDACTED] Date of Appointment July 17, 2017, Unit of Assignment: 001, 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

- G03-02: De-escalation, Response to Resistance, and Use of Force (effective April 15, 2021 to June 28, 2023)
- G03-02-01: Response to Resistance and Force Options (effective April 15, 2021 to June 28, 2023)
- G03-02-04: Taser Use Incidents (effective April 15, 2021 to June 28, 2023)
- G08-05: Prohibition of Retaliation (effective December 30, 2020 to present)

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.⁴⁶ 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.”⁴⁷

⁴⁶ 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).

⁴⁷ *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