



Log # 2021-0003992

FINAL SUMMARY REPORT¹

I. EXECUTIVE SUMMARY

On October 7, 2021, Sergeant (Sgt.) Tiffany Santiago #1402 of the Bureau of Internal Affairs (BIA) contacted the Civilian Office of Police Accountability (COPA) and generated this Log Number alleging misconduct by a CPD member. Sgt. Santiago alleged that on August 28, 2021, Sgt. Andrew Morgan #1801 may have used an unauthorized control tactic on ██████████² Upon review of the evidence, COPA served allegations against the following sworn personnel: Sgt. Morgan: 1) Using a prohibited control tactic against ██████████ 2) Handcuffing ██████████ in violation of General Order(s); 3) Failing to complete a Tactical Response Report; 4) Failing to timely activate his BWC; 5) Pushing ██████████ against a vehicle; and 6) Detaining ██████████ beyond the time reasonably required; Lieutenant (Lt.) Darwin Butler #726: 1) Failing to ensure that Sgt. Morgan #1801 completed a Tactical Response Report (TRR); 2) Failing to report Sgt. Morgan's misconduct; Captain (Capt.) Misael Ramirez #51: 1) failing to ensure that Sgt. Morgan completed a TRR; and 2) failing to report Sgt. Morgan's misconduct. Following its investigation, COPA reached Exonerated, Unfounded, and Sustained findings regarding Sgt. Morgan; Sustained findings regarding Lt. Butler and Capt. Ramirez.

II. SUMMARY OF EVIDENCE³

On August 28, 2021, at approximately 12:14 a.m., CPD officers observed ██████████ standing next to a vehicle that was illegally parked at 1900 E. Hayes Drive; Sgt. Morgan approached ██████████ and asked him multiple times to move his vehicle.⁴ Sgt. Morgan proceeded to issue a citation to ██████████ who then appeared to drop⁵ it to the ground.⁶ ██████████ opened the driver's door of his vehicle as Sgt. Morgan walked around ██████████ and appeared to address⁷ him

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 falls 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) video footage; third-party video footage; CPD reports; CPD Directives; still photographs; civilian and officer statements to COPA.

⁴ Att. 2, Pg. 2.

⁵ In his statement to COPA, ██████████ claimed that he ripped the ticket. (Att. 36, Pg. 10, Ln. 1-2).

⁶ Att. 15, at 00:45-00:47. Sgt. Morgan did not activate his BWC until two minutes into the recording and his BWC's audio did not capture much of his verbal interactions with ██████████ and ██████████. Consequently, Lt. Butler verbally reprimanded Sgt. Morgan for not activating his BWC in a timely manner. (Att. 17, Page 2). In his statement to COPA, Sgt. Morgan did not recall why he failed to activate his BWC in a timely manner. (Att. 56, Pg. 29, Ln. 4-10).

⁷ In his statement to COPA, Sgt. Morgan stated that he was going to write ██████████ another citation for littering. (Att. 56, Pg. 9, Ln. 6-9).



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face to face.⁸ After appearing to engage the sergeant in conversation, ██████ turned to his right and maneuvered⁹ his left elbow toward Sgt. Morgan.¹⁰ Sgt. Morgan¹¹ pushed ██████ with his right hand and ██████ stumbled backwards and fell to the ground.¹² ██████ who had been standing next to Officer Soni Castro #5855, attempted to lift ██████ off the ground and Officer Castro held him back.¹⁴ ██████ pushed Officer Castro, moved toward Sgt. Morgan and appeared to address Sgt. Morgan, as ██████ stood up.¹⁵ Officer Castro held back ██████ as ██████ addressed Sgt. Morgan.¹⁶ Officer Castro released his hold on ██████ and held ██████ from behind, while ██████ appeared to address Sgt. Morgan.¹⁷

Officer Castro then attempted to handcuff ██████ and Sgt. Morgan placed¹⁸ his hands on ██████ chest.¹⁹ Sgt. Morgan gave a lawful order to ██████ to stop interfering²⁰ while Officer Castro was placing ██████ into custody.²¹ ██████ put his hands up and Sgt. Morgan turned his attention to two officers²² who were attempting to ██████ on the ground.²³ Sgt. Morgan turned back toward ██████ who appeared to move past Sgt. Morgan toward ██████ Sgt. Morgan again placed his hands against ██████ chest and ██████ appeared to fall forward.²⁴ Sgt. Morgan grabbed ██████ by back of the neck and pushed him down to control ██████ body.²⁵ Sgt. Morgan then appeared to wrap his arms around ██████ neck²⁶ as Officers Castro and Furlan lifted ██████ off the ground, leaned him against a civilian vehicle and handcuffed him.²⁷ As his

⁸ Att. 15, at 0:48-0:54.

⁹ According to Sgt. Morgan, ██████ pushed him on his right shoulder. (Att. 56, Pg. 10, Ln. 5-13).

¹⁰ Sgt. Morgan's BWC did not capture the entirety of ██████ contact with Sgt. Morgan. (Att. 15, at 1:11-1:13). Officer Castro was not facing in the direction of Sgt. Morgan and ██████ as a result, his BWC did not capture the contact.

¹¹ ██████ mistakenly alleged in his statement to COPA that a black female sergeant pushed him. (Att. 36, Pg. 9, Ln. 21-24).

¹² Att. 15, at 1:13-1:16.

¹³ ██████ stated that he and ██████ are cousins. (Att. 36, Pg. 3, Ln. 2-14).

¹⁴ Att. 15, at 1:16-1:18.

¹⁵ Att. 15, at 1:18-1:21.

¹⁶ Att. 15, at 1:28.

¹⁷ Att. 15, at 1:32-1:37.

¹⁸ Sgt. Morgan admitted that he pushed back ██████ to make distance (Att. 56, Pg. 9, Ln. 9-13).

¹⁹ Att. 15, at 1:42:1:49.

²⁰ ██████ stated to COPA that he tried to get the officers off ██████ (Att. 37, Pg. 6, Ln. 17-20)

²¹ Att. 6, Pg. 4.

²² Based on their BWC footage, the officers are Officers Castro (Att. 14) and Oscar Furlan #18856 (Att. 11).

²³ Att. 15, at 1:52-1:53.

²⁴ Att. 15, at 1:55-1:58.

²⁵ Att. 56, Pg. 13, Ln. 7-9.

²⁶ ██████ stated to COPA that the sergeant's right arm was touching his neck in a headlock position. (Att. 37, Pg. 9, Ln. 7-18)

²⁷ Att. 11, at 5:08-5:20.



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head²⁸ was in the crook of Sgt. Morgan’s right arm, ██████ twice said, “I’m good,”²⁹ and asked if his cousin was good, while Sgt. Morgan clasped his hands against ██████ chest.³⁰ Officer Devonte Scott #12429 arrived on the scene and attempted to handcuff³¹ ██████ but ██████ pulled his left arm away.³² Sgt. Morgan held his right arm under ██████ left shoulder as ██████ leaned forward against the sergeant and the top of his head peeked under the sergeant’s left armpit; ██████ asked ██████ if he was good and Sgt. Morgan replied, “He’s good, he’s breathing [inaudible].”³³ Officer Horst Hegewald #18609 also arrived on the scene and assisted in handcuffing ██████ while Sgt. Morgan maintained his hold on ██████ with his left arm wrapped around ██████ right armpit.³⁴ Sgt. Morgan released his hold on ██████ grabbed ██████ right arm and pulled it behind ██████ back.³⁵ Sgt. Don Hoard #1354 removed a black Velcro brace³⁶ from ██████ right forearm which was bandaged.³⁷ Then, Officers Scott and Hegewald handcuffed ██████ hands behind his back using two sets of handcuffs.³⁸

Officer Scott escorted ██████ to a marked police vehicle and placed him inside.³⁹ ██████ was charged with two counts of resisting/obstructing arrest.⁴⁰ Sgt. Morgan⁴¹ and Officer Castro⁴² completed Tactical Response Reports (TRRs) regarding their use of force against ██████ Sgt. Morgan did not complete⁴³ a TRR regarding his use of force against ██████ alleged to

²⁸ According to ██████ Sgt. Morgan’s headlock was depriving him of oxygen. (Att. 37, Pg. 10, Ln. 10-12). On the other hand, Sgt. Morgan stated to COPA that he would not classify his hold on ██████ as a chokehold, because ██████ was breathing and saying that he was okay. (Att. 56, Pg. 13, Ln. 23 – Pg. 14, Ln. 9). Sgt. Morgan also denied that he applied any direct pressure on ██████ windpipe. (Att. 56, Pg. 22, Ln. 15-16).

²⁹ Att. 15, at 2:06-2:08.

³⁰ Att. 15, at 2:49-2:54.

³¹ ██████ did not recall being handcuffed and stated that once he was placed in a “headlock,” he did not remember anything else before waking up in a cell. (Att. 37, Pg. 11, Ln. 17 – Pg. 12, Ln. 3)

³² Att. 22, at 1:50-2:12.

³³ Att. 32, at 0:50-0:55.

³⁴ Att. 10, at 6:28-6:50.

³⁵ Att. 15, at 3:13-3:27.

³⁶ ██████ stated to COPA that his right hand was broken. (Att. 37, Pg. 6, Ln. 21-24)

³⁷ Att. 15, at 3:43-4:09.

³⁸ Att. 10, at 7:43-8:00. Sgt. Morgan held ██████ right arm as Officer Hegewald placed a handcuff on his right wrist.

³⁹ Att. 22, at 4:25-5:25.

⁴⁰ Att. 6, Pg. 1.

⁴¹ Att. 17.

⁴² Att. 16.

⁴³ Sgt. Morgan did not recall why he completed a TRR for ██████ and not for ██████ (Att. 56, Pg. 28, Ln. 19 – Pg. 29, Ln. 3). Lt. Butler stated to COPA that, after reviewing Sgt. Morgan and Officer Castro’s BWC videos, he did not believe that Sgt. Morgan was required to complete a TRR regarding his use of force against ██████ (Att. 49, Pg. 27, Ln. 18-22); moreover, Lt. Butler denied that he violated Department policy when he failed to report Sgt. Morgan’s misconduct to COPA because the sergeant’s actions “appeared to be following on the department policy.”



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COPA that his neck hurt, and his broken hand was “a little bit more (*sic*) sore that day”;⁴⁴ however, ██████████ did not seek medical attention.⁴⁵

III. ALLEGATIONS

Sergeant Andrew Morgan:

1. Used a prohibited control tactic against ██████████ without justification.
 - Unfounded.
2. Handcuffed ██████████ in violation of General Order G06-01-02.V.A.2.a.
 - Unfounded.
3. Failed to complete a Tactical Response Report regarding his use of force on ██████████
 - Sustained, Violation of Rules 2, 3, and 6.
4. Failed to timely activate his Body Worn Camera in violation of Department policy.
 - Sustained, Violation of Rules 2, 3, and 6.
5. Pushed ██████████ against a vehicle without justification.
 - Exonerated.
6. Detained ██████████ beyond the time reasonably required to complete the traffic stop in violation of the Fourth Amendment.
 - Unfounded.

Lieutenant Darwin Butler:

1. Failed to ensure that Sergeant Andrew Morgan #1801 completed a Tactical Response Report (TRR) regarding his use of force against ██████████ that occurred on August 28, 2021, at approximately 12:14 a.m., in the vicinity of 1900 E. Hayes Drive, in violation of Department policy.
 - Sustained, Violation of Rules 2, 3, and 6.
2. Failed to report Sergeant Morgan’s misconduct that occurred on August 28, 2021, at approximately 12:14 a.m., in the vicinity of 1900 E. Hayes Drive to the Civilian Office of Police Accountability (COPA), in violation of Department policy.
 - Sustained, Violation of Rules 2, 3, and 6.

(Att. 49, Pg. 36, Ln. 9-18). Lt. Butler added that because ██████████ was charged with resisting arrest, Sgt. Morgan should have automatically completed a TRR. (Att. 49, Pg. 32, Ln. 13-17); however, Lt. Butler did not learn of ██████████ charges until he was served with allegations by COPA. (Att. 49, Pg. 34, Ln. 15-18). Although he did not recall his thought process at the time of the incident, Capt. Ramirez admitted to COPA that after reviewing the BWC videos of the incident, he should have assured that Sgt. Morgan completed a TRR and that there was enough evidence for a complaint log investigation to be started. (Att. 55, Pg. 24, Ln. 2-22).

⁴⁴ Att. 37, Pg. 23, Ln. 23 – Pg. 24, Ln. 4.

⁴⁵ Att. 37, Pg. 21, Ln. 4-6.



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Captain Misael Ramirez:

1. Failed to ensure that Sergeant Morgan completed a Tactical Response Report (TRR) regarding his use of force against ██████████ that occurred on August 28, 2021, at approximately 12:14 a.m., in the vicinity of 1900 E. Hayes Drive, in violation of Department policy.
 - Sustained, Violation of Rules 2, 3, and 6.
2. Failed to report Sergeant Morgan’s misconduct that occurred on August 28, 2021, at approximately 12:14 a.m., in the vicinity of 1900 E. Hayes Drive to the Civilian Office of Police Accountability (COPA), in violation of Department policy.
 - Sustained, Violation of Rules 2, 3, and 6.

IV. CREDIBILITY ASSESSMENT

COPA interviewed ██████████ and ██████████ in February 2023, and Sgt. Morgan, Lt. Butler and Capt. Ramirez in February and March 2023.⁴⁶ Despite some consistencies of ██████████ statements with BWC footage, the overarching allegation that a chokehold caused him to black out is not shown. In fact, ██████████ announces to the officers upon inquiry regarding his wellbeing that he is good, no problems. This seriously obviates ██████████ credibility. While there are consistencies in ██████████ statements with BWC footage, ██████████ allegation that a black female sergeant pushed him is contradicted and disproven by BWC. This significant contradiction weakens ██████████ credibility. Due to the passage of time, Capt. Ramirez did not have an independent recollection of the incident and relied on BWC footage and CPD reports. Sgt. Morgan and Lt. Butler’s statements to COPA were consistent with the BWC footage and CPD reports. COPA finds the accused members’ statements on the incident generally credible.

V. ANALYSIS⁴⁷

a. Sgt. Morgan Allegations

COPA finds that **Allegation #1** against Sgt. Morgan that he used a prohibited control tactic against ██████████ without justification is **unfounded**. Under CPD policy, members may only use force that is objectively reasonable, necessary, and proportional to the threat, actions, and level of resistance offered by a person.⁴⁸ When a CPD member encounters a person who attempts to create distance from a member with an intent to avoid physical control and/or defeat arrest, that person

⁴⁶ Atts. 28, 29, 44, 46, 47 and 53.

⁴⁷ For a definition of COPA’s findings and standards of proof, *see* Appendix B.

⁴⁸ *See* Att. 20, G03-02-01 (II)(C), Response to Resistance and Force Options (effective April 15, 2021, to present).



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is classified as an active resister.⁴⁹ Examples of active resistance include evasive movements of the arm, flailing arms, and full flight by running.⁵⁰ CPD members may respond to active resistance with police presence, verbal directions, holding and compliance techniques, control instruments, stunning, takedowns, OC spray, Tasers, and canine use.⁵¹

In this case, COPA finds ██████ was an active resister who failed to comply with orders to stop interfering with ██████ arrest and attempted to move past Sgt. Morgan toward Officer Castro who was placing ██████ in custody. As a result, CPD policy authorized Sgt. Morgan to employ, among other responses, holding and compliance techniques to gain control of ██████. The sergeant at first attempted to hold ██████ by pushing him. When that technique failed, Sgt. Morgan resorted to a holding technique to keep ██████ off balance. Although ██████ alleged that Sgt. Morgan placed him in a chokehold, the evidence indicates that Sgt. Morgan did not perform a chokehold on ██████. Illinois law defines a chokehold as “applying any direct pressure to the throat, windpipe, or airway of another with the intent to reduce or prevent the intake of air. A ‘Chokehold’ does not include any holding involving contact with the neck that is not intended to reduce the intake of air.”⁵² Besides chokeholds, CPD policy prohibits its members from using carotid artery restraints⁵³ or other maneuvers “for applying direct pressure on a windpipe or airway, with the sole exception being as an act of last resort, when necessary to protect against an imminent threat to life.”⁵⁴ Sgt. Morgan denied that he utilized a chokehold or any other maneuver that would have applied direct pressure on ██████ windpipe or airway. BWC and third-party footage corroborated that Sgt. Morgan placed his left arm under ██████ right armpit and his right arm under ██████ left shoulder and held his hands together. Despite ██████ statement that Sgt. Morgan’s technique caught off his oxygen and he lost consciousness, the video footage undermined that allegation. ██████ was heard stating that he was okay as Sgt. Morgan maintained control of ██████ upper body. Consequently, COPA finds there is clear and convincing evidence that the alleged action that Sgt. Morgan used a prohibited control tactic against ██████ without justification is not factual.

Similarly, COPA finds **Allegation #2** that Sgt. Morgan handcuffed ██████ in violation of General Order G06-01-02. V.A.2.a., and **Allegation #6** that he detained ██████ beyond the time reasonably required to complete the traffic stop, in violation of the Fourth Amendment, are also **unfounded**. The relevant General Order states that an arrestee taken into custody will be

⁴⁹ Att. 20, G03-02-01 (IV)(B)(2).

⁵⁰ Att. 20, G03-02-01 (IV)(B)(2)(a).

⁵¹ Att. 20, G03-02-01 (IV)(B)(2)(c)(1-5).

⁵² Att. 58, Illinois Compiled Statutes (Prohibited Use of Force by a Peace Officer), 720 ILCS 5/7-5.5-c.

⁵³ Att. 18, G03-02 (IV)(D)(2), De-Escalation, Response to Resistance, and Use of Force (effective April 15, 2021, to present): a carotid artery restraint includes any compliance technique that compresses the blood vessels in the neck to inhibit or restrict blood flow to carotid arteries, causing the subject to lose oxygen to the brain.

⁵⁴ Att. 18, G03-02 (IV)(D)(2-3).



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handcuffed unless “the arrestee is injured to the extent that he or she is incapable of offering resistance or the process of handcuffing could inflict additional physical trauma to the arrestee.”⁵⁵ ██████ stated to COPA that his right hand was broken and BWC footage indicated that the hand was bandaged and protected with a Velcro brace. Despite his prior injury, ██████ clearly remained capable of offering resistance to his arrest and BWC footage indicated that three Department members were needed to pull his arms behind his back and place handcuffs on him. Moreover, the Department members appeared to mind ██████ injury by using two sets of handcuffs on him. Regarding Sgt. Morgan’s detainment of ██████ BWC footage indicated that ██████ actions were responsible for extending the time necessary to conduct the traffic stop. Once ██████ received the citation, he did not leave the scene but instead discarded the citation. Consequently, Sgt. Morgan proceeded to issue a second citation for littering and ██████ appeared to push the sergeant, giving Sgt. Morgan probable cause to arrest ██████ for assault. Based on the above information, COPA finds that there is clear and convincing evidence that the two alleged actions are false.

COPA finds **Allegation #3** that Sgt. Morgan failed to complete a TRR regarding his use of force on ██████ and **Allegation #4** that he failed to activate his BWC in a timely manner, are **Sustained**. CPD members are required to complete a TRR detailing their use of force when the force involves a subject who is injured or alleges injury, is an active resister or an assailant, actively obstructs a member by using a physical act directed at the member, or physically attacks a member, including murder, aggravated battery, battery, aggravated assault, and assault.⁵⁶ Here, it is undisputed that ██████ was an active resister and Sgt. Morgan employed appropriate force to gain control of him; however, having used such force, Sgt. Morgan was required to document his use of force. As he documented his use of force against ██████ the sergeant should have also documented his contact with ██████ Sgt. Morgan did not recall why he failed to complete a TRR for ██████ Similarly, Sgt. Morgan did not recall why he did not activate his BWC. CPD members are required to activate their BWCs to event mode at the beginning of an incident and record the entire incident for all law-enforcement activities.⁵⁷ BWC footage documented that the sergeant activated his BWC only when he used the control hold on ██████ resulting in missing footage from Sgt. Morgan’s initial contact with ██████ Thus, Sgt. Morgan’s failure to document his control hold on ██████ and failure to activate his BWC in a timely manner were violations of CPD policy and Rules 2, 3, and 6.

COPA finds **Allegation #5** that Sgt. Morgan pushed ██████ against a vehicle without justification, is **Exonerated**. In his statement to COPA, Sgt. Morgan admitted pushing ██████ in

⁵⁵ Att. 38, G06-01-02(V)(A)(2)(a), Restraining Arrestees (effective December 8, 2017, to January 1, 2022).

⁵⁶ Att. 23, G03-02-02 (III)(A)(1)(a-e), Incidents Requiring the Completion of a Tactical Response Report (effective April 15, 2021, to present)

⁵⁷ Att. 57, S03-14 (III)(A)(2), Body Worn Cameras (effective April 30, 2018, to present)



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order to maintain distance between [REDACTED] and the officers who were attempting to place [REDACTED] in custody. Moreover, [REDACTED] admitted to COPA that he attempted to stop the officers from arresting [REDACTED]. BWC footage corroborated the above statements and CPD policy authorizes Department members to employ appropriate force regarding arrestees. Based on the above evidence, there is clear and convincing evidence that Sgt. Morgan pushed [REDACTED] against a vehicle, but his action was appropriate according to Department policy.

b. Lt. Butler and Capt. Ramirez Allegations

COPA finds **Allegations #1 and #2** that Lt. Butler and Capt. Ramirez failed to ensure that Sgt. Morgan completed a TRR regarding his use of force against [REDACTED] and that they failed to report Sgt. Morgan's misconduct to COPA, are **Sustained**. General Order G03-02-02 requires that a supervisor who has been notified of a reportable use of force incident ensure that the involved member completes a TRR.⁵⁸ The General Order that was in effect at the time of the incident, G08-01-02, dictated that a supervisor notify COPA when the supervisor observed or received an allegation of misconduct.⁵⁹ Here, both supervisors admitted to reviewing, a short time after the incident, Sgt. Morgan's BWC regarding the sergeant's TRR for his use of force against [REDACTED] which involved Sgt. Morgan pushing [REDACTED] to the ground. Yet, the same BWC captured the sergeant's push and control hold regarding [REDACTED]. Sgt. Morgan did not provide an explanation regarding his failure to complete a TRR for his use of force against [REDACTED]. Upon reviewing the BWC footage at COPA, Lt. Butler stated that Sgt. Morgan's actions toward [REDACTED] were within Department policy and that the sergeant was not required to complete a TRR. On the other hand, Capt. Ramirez admitted to COPA, after viewing the same footage, that the captain should have ensured that the sergeant completed a TRR, and that COPA were notified for additional investigation. Moreover, Lt. Butler stated to COPA that he would have required Sgt. Morgan complete a TRR if he had known at the time of his review of the sergeant's TRR for [REDACTED] that [REDACTED] had been charged with resisting arrest. COPA finds Capt. Ramirez's admission of error and COPA does not accept Lt. Butler's explanation. Lt. Butler had access to all reports concerning the incident and COPA believes that a more thorough investigation would have revealed more details about the arrests of [REDACTED] and [REDACTED]. Therefore, COPA finds there is a preponderance of evidence to sustain both allegations against each supervisor.

VI. DISCIPLINARY RECOMMENDATION

a. Sergeant Andrew Morgan

⁵⁸ Att. 23, G03-02-02(V)(A-C)

⁵⁹ Att. 40, G08-01-02(II)(B)(3)(a), Specific Responsibilities Regarding Allegations of Misconduct (effective May 4, 2018 to December 31, 2021).



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i. Complimentary and Disciplinary History⁶⁰

Sgt. Morgan has received 160 awards and one 3-day suspension in 2019 for being intoxicated.

ii. Recommended Discipline

COPA finds that Sgt. Morgan violated Rules 2, 3, and 6 by failing to complete a TRR for his use of force against [REDACTED] and failing to activate his BWC in a timely manner. Sgt. Morgan denied both allegations and did not provide an explanation for this lack of action. The sergeant's lack of explanation is especially egregious considering he completed a TRR for his use of force against [REDACTED]. Based on this information, combined with Sgt. Morgan's history, COPA recommends a **30-day suspension**.

b. Lieutenant Darwin Butler

i. Complimentary and Disciplinary History⁶¹

Lt. Butler has received 97 awards and one SPAR in 2022 for weapons/ammunition violation.

ii. Recommended Discipline

COPA finds that Lt. Butler violated Rules 2, 3, and 6 by failing to ensure Sgt. Morgan completed a TRR and to contact COPA. Although Lt. Butler opined that Sgt. Morgan's actions were within Department policy and did not require a TRR, Lt. Butler also admitted that he would have ordered the sergeant to complete a TRR if he had known that [REDACTED] had been charged with resisting. Because that information was already available at the time of his review of Sgt. Morgan's TRR for [REDACTED], Lt. Butler could have ascertained the charges against [REDACTED] and would have had a clearer picture of the incident to determine whether Sgt. Morgan was required to complete the TRR for [REDACTED]. COPA finds that a more thorough investigation of the incident by Lt. Butler would have concluded that a TRR was required for [REDACTED] and that COPA had to be notified. Based on this information, combined with Lt. Butler's history, COPA recommends a **5-day suspension**.

c. Captain Misael Ramirez

i. Complimentary and Disciplinary History⁶²

⁶⁰ Att. 54, Pg. 9-12.

⁶¹ Att. 54, Pg. 1-4.

⁶² Att. 54, Pg. 5-8.



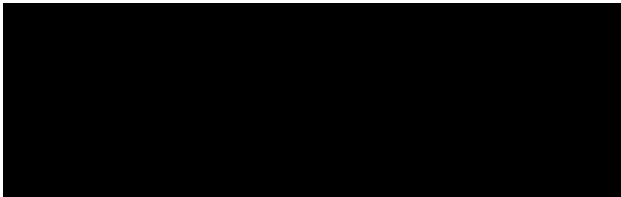
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Capt. Ramirez has received 36 awards and has no disciplinary history in the last seven years.

ii. Recommended Discipline

COPA finds that Capt. Ramirez violated Rules 2, 3, and 6 by failing to ensure Sgt. Morgan completed a TRR and to contact COPA. Capt. Ramirez admitted that he did not recall his thought process at the time of the incident and, after reviewing the BWC footage, would have followed the appropriate action. Taking the captain's honesty into consideration, COPA recommends a **reprimand**.

Approved:



Angela Hearts-Glass
Deputy Chief Administrator

March 29, 2023

Date



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Appendix A

Case Details

Date/Time/Location of Incident:	August 28, 2021 / 12:14 a.m. / 1900 E. Hayes Drive, Chicago, IL 60637.
Date/Time of COPA Notification:	October 7, 2021 / 1:03 p.m.
Involved Officer #1:	Sergeant Andrew Morgan / Star #1801 / Employee ID # [REDACTED] / DOA: November 29, 2004 / Unit: 003 / Male / White.
Involved Officer #2:	Lieutenant Darwin Butler / Star #726 / Employee ID # [REDACTED] / DOA: December 5, 1994 / Unit: 003 / Male / Black.
Involved Officer #3:	Captain Misael Ramirez / Star #51 / Employee ID # [REDACTED] / DOA: July 10, 1995 / Unit: 012 / Male / Hispanic.
Involved Individual #1:	[REDACTED] / Male / Black.
Involved Individual #2:	[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 6:** Disobedience of an order or directive, whether written or oral.

Applicable Policies and Laws

- G03-02: De-Escalation, Response to Resistance, and Use of Force (effective April 15, 2021, to present)
- G03-02-01: Response to Resistance and Force Options (effective April 15, 2021, to present)
- G03-02-02: Incidents Requiring the Completion of a Tactical Response Report (effective April 15, 2021, to present).
- G06-01-02: Restraining Arrestees (effective December 8, 2017, to January 1, 2022)



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- G08-01-02: Specific Responsibilities Regarding Allegations of Misconduct (effective May 4, 2018, to December 31, 2021)
- S03-14: Body Worn Cameras (effective April 30, 2018, to present)
- 720 ILCS 5/7-5.5: Prohibited use of force by a peace officer.
- U.S. Constitution, 4th Amendment.



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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.⁶³ 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.”⁶⁴

⁶³ 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).

⁶⁴ *People v. Coan*, 2016 IL App (2d) 151036, ¶ 28 (quoting Illinois Pattern Jury Instructions, Criminal, No. 4.19 (4th ed. 2000)).



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Appendix C

Transparency and Publication Information

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



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- Verbal Abuse
- Other Investigation