



Log # 2021-4199

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

### I. EXECUTIVE SUMMARY

On October 24, 2021, COPA received this Taser notification and subsequent initiation report from the Chicago Police Department (CPD) regarding Officer Carlos Segovia's Taser use in the arrest of ██████████ ██████████. Upon review of the evidence, COPA served an allegation regarding Officer Segovia's Taser use and the failure of assisting officers to intervene or report misconduct. Following its investigation, COPA reached exonerated findings for all allegations.

### II. SUMMARY OF EVIDENCE<sup>2</sup>

On October 22, 2021, while on routine patrol, Officer Augustin Torres Jr. was flagged down for assistance at the corner of 1705 W. 18<sup>th</sup> Street.<sup>3</sup> Officer Torres Jr. spoke to ██████████ ██████████ the owner of Luciano Foods, a convenience store located at 1714 W. 18<sup>th</sup> Street, and ██████████ ██████████ a store employee. They told Officer Torres Jr. that ██████████ ██████████ had taken beer from the store without paying for it.<sup>4</sup> When they confronted ██████████ ██████████ he denied this accusation and became combative. ██████████ ██████████ charged ██████████ ██████████ and ██████████ ██████████ pulled out a knife.<sup>5</sup> Officer Torres Jr. quickly intercepted and performed an emergency takedown of ██████████ ██████████ uncovering cans of beer in ██████████ ██████████ hoodie.<sup>6</sup> ██████████ ██████████ appeared intoxicated, and admitted that he was intoxicated.<sup>7</sup>

Meanwhile, Officers Segovia and Rebecca Pontrelli arrived to assist. ██████████ ██████████ was handcuffed with two pairs of handcuffs due to his large size, and was taken into custody, although he continued to deny having stolen any beer.<sup>8</sup> ██████████ ██████████ began swearing at and threatening the officers, and they spent some time trying to coax him into getting in the back of one of the squad cars, which he finally did.<sup>9</sup>

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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>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, CPD reports, and officer interviews.

<sup>3</sup>Att. 3, pg. 3 (Arrest Report, ██████████ ██████████)

<sup>4</sup>Att. 3, pg. 3; Att. 23, pg. 2 (PO Torres Jr. TRR)

<sup>5</sup>Att. 45, pg. 4 (PO Torres Jr. transcribed statement).

<sup>6</sup>Att. 23, pg. 2

<sup>7</sup>Att. 7 at 3:20, 4:34.

<sup>8</sup>Att. 45, pg. 5; Att. 7 at 11:45:25 (PO Torres Jr. BWC)

<sup>9</sup>Att. 7 at 11:46:00.

Officers Segovia, Pontrelli, and Torres Jr., were discussing the situation and how to proceed with investigating when Officer Rogelio Placencia Jr. arrived to assist as well.<sup>10</sup> At that point, loud thumping could be heard from inside the squad car which sounded like [REDACTED] kicking.<sup>11</sup> Officer Segovia opened the rear passenger door to see what was going on. Upon opening the door, [REDACTED] started kicking Officer Torres Jr.<sup>12</sup> Officer Torres Jr. tried to get him to stop kicking by telling him to stop and putting a hand on one of his legs.<sup>13</sup> However, [REDACTED] stood up and stepped out of the squad car, at which time Officer Segovia shouted, “taser, taser, taser,” and then deployed his Taser at [REDACTED]. The taser connected with [REDACTED] on his abdomen,<sup>14</sup> but seemed to have little to no effect on [REDACTED] so Officer Segovia arced the Taser several additional times.<sup>15</sup> [REDACTED] then stopped being combative, froze up, and was lowered to the ground by the officers.<sup>16</sup> Once down, [REDACTED] continued to swear at the officers and threaten them. An ambulance was called, and [REDACTED] was transported to Mt. Sinai Hospital where he was treated for alcohol intoxication and later released.<sup>17</sup>

### III. ALLEGATIONS

#### Officer Carlos Segovia:

1. Deployed his Taser at [REDACTED] in violation of G03-02-04.
  - Exonerated

#### Officers Rogelio Placencia Jr., Rebecca Pontrelli, and Agustin Torres Jr.:

1. Failed to intervene and/or report misconduct.
  - Exonerated

### IV. CREDIBILITY ASSESSMENT

The credibility of an individual relies primarily on two factors: 1) the individual’s truthfulness and 2) the reliability of the individual’s account. The first factor addresses the honesty of the individual making the statement, while the second factor speaks to the individual’s ability to accurately perceive the event at the time of the incident and then accurately recall the event from memory.

Officer Segovia was forthcoming in his statement to COPA and gave a detailed explanation of why he took the actions he did, as well as recounting the event accurately in comparison to the available evidence, including what is seen on BWC. Likewise, Officers Pontrelli and Torres Jr. had good recollections of the event and were candid in their statements to COPA. Officer Placencia

<sup>10</sup> Att. 34 at 11:49:00 (PO Placencia Jr. BWC).

<sup>11</sup> Att. 22, pg. 5 (PO Segovia TRR).

<sup>12</sup> Att. 45, pg. 14; Att. 7 at 11:49:05.

<sup>13</sup> Att. 7 at 11:49:10.

<sup>14</sup> Att. 9 (ET photos); Att. 43, pgs. 5-6 (PO Segovia Transcribed statement); Att. 45, pg. 5

<sup>15</sup> Att. 21 (Taser download data); Att. 43, pg. 6.

<sup>16</sup> Att. 7 at 11:49:35.

<sup>17</sup> Att. 18, pgs. 6-8 and 9 (Mt. Sinai medical records); Att. 37, pg. 3 (original case incident report).

Jr. was less candid; however, he said he had an obscured view of the moments before Officer Segovia's Taser use.

## V. ANALYSIS<sup>18</sup>

### a. Allegation 1 against Officer Carlos Segovia – deployed his Taser at ██████████ in violation of G03-02-04.

General Order G03-02-04, Taser Use Incidents, governs the use of Tasers in conjunction with G03-02, Use of Force, and G03-02-01, Force Options. The use of a Taser is permitted on subjects who are active resisters that are either armed, violent, have committed a felony or a more serious misdemeanor offense. Taser use is also permitted on subjects who are assailants. Department members will balance the risks and benefits of a Taser discharge before use. Additionally, the 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.”<sup>19</sup> Officers should also weigh other factors before deploying a Taser, including whether the subject is in an unstable position, elevated above the ground, could fall on a sharp object, is restrained, may have impaired reflexes, is running or in motion, is located in water, or operating any mode of transportation, like a bicycle.<sup>20</sup>

In this case, an emergency takedown was performed by Officer Torres Jr. after ██████████ aggressively charged at a store employee who accused him of stealing. Officers Segovia and Torres Jr. then attempted to place ██████████ in the back of the police vehicle, but ██████████ was uncooperative, threatening the officers' lives and bodies. Officer Segovia and Officer Torres Jr. both used de-escalation techniques to convince ██████████ to get in the squad car. They were patient and took their time to speak to him. When that did not work, Officer Segovia drew his Taser and pointed it at ██████████ as a warning, but ██████████ stated: “I don't give a fuck. Yeah, hit me., hit me, go ahead. You think that fucking scares me? Get the fuck out of here.”<sup>21</sup> Officer Segovia used restraint and holstered his taser, while ██████████ continued to threaten the officers.

A few moments after the officers were able to coax ██████████ into the squad car, Officer Segovia heard loud thumping noises. Officer Segovia was concerned ██████████ would injure himself or cause damage to the squad car based on his previous experience with other detainees banging their heads on the windshield.<sup>22</sup> When Officer Segovia opened the door, ██████████ kicked Officer Torres Jr. and continued kicking while being ordered to stop. ██████████ then stood up out of the vehicle.

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<sup>18</sup> For a definition of COPA's findings and standards of proof, *see* Appendix B.

<sup>19</sup> G03-02-04, Taser Use Incidents (effective April 15, 2021 – June 28, 2023).

<sup>20</sup> G03-02-04, Taser Use Incidents, II. E.

<sup>21</sup> Att. 43, pg. 26; Att. 7 at 12:05.

<sup>22</sup> Att. 43, pg. 4.

Although [REDACTED] was handcuffed, he did have some leeway in the handcuffs since two handcuffs had been used because of his larger frame. Officer Segovia made the decision to deploy his Taser based on several factors: [REDACTED] was an assailant and could have injured Officer [REDACTED] or another officer; [REDACTED] was a large man and was drunk; [REDACTED] had previously threatened the officers including to cut off the officers legs; [REDACTED] was then out of the squad car; [REDACTED] was not obeying verbal commands, and the officers' previous attempts to deescalate the situation had failed.<sup>23</sup> Also, the BWC shows that just before Officer Segovia went to open the door, Officer Torres Jr. indicated that that he had not yet patted [REDACTED] down.<sup>24</sup>

After [REDACTED] was Tasered, he was monitored by the officers to make sure he was alright. The officers sat him up to make sure he was able to breathe, and ensured an ambulance was called and [REDACTED] received medical attention.<sup>25</sup>

COPA finds that Officer Segovia demonstrated that he weighed multiple factors in making his decision to use the Taser. Officer [REDACTED] related that in 25 years on the job, this was the first time he had ever tased anybody, further suggesting that his decision to do so in this case was cautious and measured.<sup>26</sup> Given [REDACTED] aggressive actions prior to being arrested, his verbal threats, his refusal to cooperate, his ignoring verbal commands, and his becoming an assailant by kicking Officer Torres Jr., COPA finds that Officer Segovia's Taser use was objectively reasonable under the totality of the circumstances. Based on the foregoing, COPA finds **Allegation 1** against Officer Segovia is **Exonerated**.

**b. Allegation 1 against Officers Augustin Torres Jr., Rogelio Placencia Jr., and Rebecca Pontrelli – failed to intervene and/or report misconduct.**

General Order G08-01-02, Specific Allegations Regarding Allegations of Misconduct, states that an officer has a duty to report misconduct that is observed by immediately notifying a supervisor and preparing a written report.<sup>27</sup>

Here, Officer Torres Jr. said that although he thought the Taser use might not have been necessary, he acknowledged he had a different viewpoint than Officer Segovia and did not think there was anything wrong with Officer Segovia Tasing [REDACTED]<sup>28</sup> Officer Torres Jr. also said he did not have time to intervene in the Tasing because his back was to Officer Segovia and he did not know the Tasing was going to happen until the moment Officer Segovia announced "taser, taser, taser." Officer Torres Jr. said once he heard the Taser announcement, he moved to get out of the way for his own safety and to avoid interfering with the Taser discharge.<sup>29</sup> Because Officer Torres Jr. did not find anything wrong with the Taser use, he did not report anything.

<sup>23</sup> Att. 7 at 11:46:00; Att. 43, pg. 7.

<sup>24</sup> Att. 7 at 13:25.

<sup>25</sup> Att. 2 (ambulance run sheet); Att. 43, pg. 26.

<sup>26</sup> Att. 43, pg. 6.

<sup>27</sup> G08-01-02, Specific Allegations Regarding Allegations of Misconduct, *effective 5-4-2018 to 12-31-21*, II. B. 1.

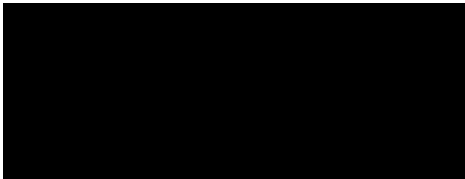
<sup>28</sup> Att. 45, pg. 6.

<sup>29</sup> Att. 45, pg. 6.

Officer Placencia Jr., who did not arrive on the scene until after [REDACTED] was in the squad car and, therefore, had no knowledge of any of [REDACTED] previous actions, said he was positioned behind Officer Segovia so he could not fully see what [REDACTED] movements were which prompted Officer Segovia to Taser him.<sup>30</sup> Officer Placencia Jr. said that he had no basis to believe there was anything wrong with Officer Segovia's Taser use and so had no reason to intervene at the time or report Officer Segovia for anything.<sup>31</sup> Upon reviewing his BWC from that day, Officer Placencia Jr. said he still could not speculate as to why Officer Segovia deployed his Taser or whether he could have done anything to intervene.<sup>32</sup>

Officer Pontrelli said she believed Officer Segovia's Taser use was warranted under the circumstances because [REDACTED] was an assailant, had been behaving aggressively, and made threats.<sup>33</sup> Officer Pontrelli also noted that [REDACTED] continued kicking after he had been ordered to stop. Officer Pontrelli said she did not think there was any misconduct in the Taser use, otherwise she would have reported it. As such, she also did not try to intervene and would not have been able to because she would have been putting herself in the middle of the Taser discharge.<sup>34</sup>

Based on the foregoing, and COPA's previous finding that Officer Segovia's Taser use was reasonable, COPA finds **Allegation 1** against Officers Torres Jr., Placencia Jr., and Pontrelli is **Exonerated**.



January 5, 2024

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*Matthew Haynam*  
*Deputy Chief Administrator – Chief Investigator*

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Date

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<sup>30</sup> Att. 44, pgs. 4-5 (PO Placencia Jr. transcribed statement).

<sup>31</sup> Att. 44, pg. 5.

<sup>32</sup> Att. 44, pg.10.

<sup>33</sup> Att. 42, pg. 5 (PO Pontrelli transcribed statement).

<sup>34</sup> Att. 42, pgs. 5-6.

Appendix ACase Details

Date/Time/Location of Incident:	October 22, 2021 / 11:48 am / 1705 W. 18 <sup>th</sup> Street
Date/Time of COPA Notification:	October 24, 2021 / 8:51 am
Involved Member #1:	Carlos Segovia / Star #19382, Employee ID [REDACTED] Date of Appointment: July 27, 1998, 16th District / Hispanic male.
Involved Member #2:	Rogelio Placencia Jr. / Star #2606 / Employee ID [REDACTED] / Date of Appointment: September 2, 1997 / 11th District / Hispanic male.
Involved Member #3:	Rebecca Pontrelli / Star #19359 / Employee ID [REDACTED] Date of Appointment: December 12, 2016 / 12th District / White female
Involved Member #4:	Agustin Torres Jr. / Star #13901 / Employee ID [REDACTED] / Date of Appointment: Nov. 29, 2004 / 12th District / Hispanic male
Involved Individual #1	[REDACTED] / 44 years old / Hispanic male
Involved Individual #2	[REDACTED] / 55 years old / Hispanic male
Involved Individual #3	[REDACTED] / 23 years old / Black 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 10:** Inattention to duty.
- Rule 8:** Disrespect to or maltreatment of any person, while on or off duty.
- Rule 10:** Inattention to duty.
- Rule 11:** Incompetency or inefficiency in the performance of duty.

Applicable Policies and Laws

G03-02 Use of Force, *effective 2-29-20 to 4-1-21*

G03-02-01 Force Options, *effective 2-29-20 to 4-15-21*

G03-02-04 Taser Use Incidents, *effective 5-15-21 to 6-28-23*

G08-01-02 Specific Allegations Regarding Allegations of Misconduct, *effective 5-4-2018 to 12-31-21*

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>35</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>36</sup>

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<sup>35</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>36</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