

**FINAL SUMMARY REPORT**

**I. EXECUTIVE SUMMARY**

Date of Incident:	February 19, 2022
Time of Incident:	5:45 p.m.
Location of Incident:	3215 North Harlem Avenue, Chicago, Illinois 60634
Date of COPA Notification:	February 19, 2022
Time of COPA Notification:	9:46 p.m.

On February 19, 2022, the Civilian Office of Police Accountability (COPA) received an Initiation Report<sup>1</sup> from the Chicago Police Department (CPD) alleging misconduct by a CPD member. The complainant, [REDACTED] ([REDACTED]) alleged that after he was transported to the 16<sup>th</sup> District and placed in a holding cell, Officer Gregory Sobieraj smashed his head into a glass window.

**II. INVOLVED PARTIES**

Involved Officer #1:	Gregory J. Sobieraj, Star #16479, Employee ID# [REDACTED] Date of Appointment: June 21, 1999, Rank: Police Officer, Unit of Assignment: 016, DOB: [REDACTED] [REDACTED] 1976, Gender: Male, Race: White
Involved Individual #1	[REDACTED] [REDACTED] DOB: [REDACTED] [REDACTED] 1990, Gender: Male, Race: Hispanic

**III. ALLEGATIONS**

Officer	Allegation	Finding
Officer Gregory Sobieraj	1. It is alleged by [REDACTED] [REDACTED] that on or about February 19, 2022, at approximately 5:45 p.m., at or near 3215 North Harlem Avenue, Chicago IL 60634, that you, Gregory J. Sobieraj, Star #16479, committed misconduct through the following acts or omissions, by: pushing [REDACTED] [REDACTED] into a glass window of a holding cell at the 16 <sup>th</sup> District, [REDACTED] [REDACTED] head impacting the window, without justification.	Not Sustained

<sup>1</sup> Att. 9

#### IV. APPLICABLE RULES AND LAWS

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##### Rules

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1. Rule 2: Any action which impedes the Department's efforts to achieve its policy and goals or brings discredit upon the Department.
  2. Rule 3: Any failure to promote the Department's efforts to implement its policy or accomplish its goals.
  3. Rule 6: Disobedience of an order or directive, whether written or oral
  4. Rule 8: Disrespect to or maltreatment of any person, while on or off duty
  4. Rule 9: Engaging in any unjustified verbal or physical altercation with any person, while on or off duty.
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##### General Orders

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1. G03-02, De-escalation, Response to Resistance, and Use of Force (effective April 15, 2021 to June 28, 2023)<sup>2</sup>
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#### V. INVESTIGATION

##### a. Interviews

**Accused Officer Gregory Sobieraj**, provided a statement to COPA on May 11, 2022.<sup>3</sup> He stated he was on patrol with his partner, Officer Jennifer Accardo, and was driving their vehicle. They were dispatched to the scene of an incident to investigate a child who had been left in a vehicle unattended. When they arrived on the scene, they were approached by ██████████ who had blood on himself and on his coat. He told the officers that he had been punched in the face and appeared to be intoxicated. The female child had been brought into the bar by persons who worked there. ██████████ refused medical attention. The child's mother then came to the bar and signed a complaint for child endangerment against ██████████ her ex-husband. A witness from the bar identified ██████████ as the person who shattered a window at the bar and ripped her license plate from her vehicle. As a result, the officers arrested ██████████ and transported him to the 16<sup>th</sup> District. During transport, ██████████ was belligerent and used vulgar language.

At the 16<sup>th</sup> District, Officer Sobieraj escorted ██████████ into the building and then into a small processing room. ██████████ continued to be belligerent, yelling and swearing at the officer. ██████████ was unstable on his feet, moved forward toward the officer, and raised his voice. ██████████ then spit on Officer Sobieraj, hitting him in the face, but Officer Sobieraj believed it was unintentional because ██████████ was intoxicated and excited. It did, however, cross Officer Sobieraj's mind that ██████████ might spit on him again. Officer Sobieraj was surprised and said something to the effect of,

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<sup>2</sup> Attachment #26

<sup>3</sup> Attachment #25

"You just spit on me." [REDACTED] was wobbly and standing about six inches from the cement where the door and window were located.

When Officer Sobieraj was about to search [REDACTED] moved forward and then hit the window. Just before [REDACTED] impacted the wall, Officer Sobieraj's right hand was placed on the small of [REDACTED] back, and his left hand was placed on the front part of [REDACTED] body. As [REDACTED] was moving forward, Officer Sobieraj attempted to adjust his grip and his left hand became free, yet he still held [REDACTED] from the back. He stated that he did not push Mt. [REDACTED] rather, he was trying to hold [REDACTED] up. Officer Sobieraj maintained that the majority of the force which projected [REDACTED] into the wall came from [REDACTED] himself. He never let go of [REDACTED] and tried to hold him up. After [REDACTED] struck the wall, [REDACTED] appeared unresponsive, so Officer Sobieraj told his partner to call for medical assistance. A moment or two later, [REDACTED] stood up, not saying anything. The on-duty lieutenant was notified, and [REDACTED] refused medical attention.

**Witness Officer Jennifer Accardo** provided a statement to COPA on April 13, 2022.<sup>4</sup> Officer Accardo's account of the incident was generally consistent with that of Office Sobieraj. Additionally, Officer Accardo stated that alcohol could be smelled emanating from [REDACTED] and he verbally rambled incoherently. Upon arrival at the 16<sup>th</sup> District, she followed closely behind Officer Sobieraj and [REDACTED]. When they arrived at the holding cell, she remained standing in the doorway. She saw Officer Sobieraj turn and face [REDACTED] to search him, then observed [REDACTED] fall forward, hitting his face on the glass window. [REDACTED] then sat down on the floor and the officers offered to provide medical attention for him, but he refused. [REDACTED] had no visible injuries from falling into the window. Officer Accardo told COPA that she believed [REDACTED] fell into the window on his own accord, and was not pushed into the window, because [REDACTED] was unsteady on his feet since he was intoxicated. When asked if Officer Sobieraj pushed [REDACTED] into the window, she replied that she was not sure but did not think so.<sup>5</sup>

**b. Digital Evidence:**

**BWC of Officer Sobieraj:**<sup>6</sup> The video shows Officers Sobieraj and Accardo arresting [REDACTED] then transporting him to the 16<sup>th</sup> District for processing. [REDACTED] voluntarily exits the vehicle and is escorted into the 16<sup>th</sup> District by Officer Sobieraj. He is placed in a holding cell and loudly argues with Officer Sobieraj, who says, "You just spit on me."<sup>7</sup> Officer Accardo is standing in the doorway as Officer Sobieraj holds [REDACTED] by his arm. [REDACTED] then turns toward the wall and his head strikes the glass window of the holding cell.<sup>8</sup> Officer Sobieraj says, "What are you doing, man?" [REDACTED] falls to the floor and is lifted by Officer Sobieraj and Officer Accardo. Officer Sobieraj tells Officer Accardo to call an ambulance. A male officer in a white shirt enters the room and begins talking to [REDACTED] who is sitting on the floor and handcuffed. Officer Sobieraj then exits the holding cell and begins doing paperwork.

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<sup>4</sup> Attachment #23

<sup>5</sup> Attachment #23 at 11:07

<sup>6</sup> Attachment #2: (BWC: 18:33:20 to 18:59:35)

<sup>7</sup> Attachment #2 at 24:22

<sup>8</sup> Attachment #2 at 24:25

**BWC of Officer Accardo:**<sup>9</sup> This video captures essentially the same events as Officer Sobieraj’s BWC video. Additionally, it shows Officer Sobieraj with his hand on ██████ left shoulder, as ██████ appears to fall headfirst into the glass window.<sup>10</sup> Officer Sobieraj then says, “What are you doing, man?”, and ██████ falls to the floor. ██████ remains on the floor and refuses to stand up. Officer Accardo asks if she should call an ambulance, and Officer Sobieraj says yes. ██████ finally stands up, and an officer in a white shirt approaches the door to the holding cell. Officer Sobieraj tells the officer that ██████ threw himself into the wall, and ██████ says that he is fine. ██████ then sits on the floor as Officer Sobieraj exits the holding cell.

**c. Documentary Evidence:**

**CPD Arrest Report:**<sup>11</sup> This report reflects that on February 19, 2022, at approximately 5:45 p.m., ██████ was arrested for Criminal Damage to Property and Child Endangerment in the vicinity of 3215 North Harlem Avenue. ██████ admitted to being drunk and high and leaving his daughter in his vehicle while sitting in a bar. ██████ was subsequently transported to the 16<sup>th</sup> District for processing. A paramedic unit was called to the 16<sup>th</sup> District, but ██████ refused medical assistance.

**VI. LEGAL STANDARD**

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 the conduct occurred and violated Department policy.<sup>12</sup> If the evidence gathered in an investigation establishes that it is more likely that the misconduct occurred, 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

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<sup>9</sup> Attachment #3

<sup>10</sup> Attachment #3 at 21:27

<sup>11</sup> Attachment #1

<sup>12</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 has found to be more probably true than not).

evidence in the case, produces the firm and abiding belief that it is highly probable that the proposition . . . is true.”<sup>13</sup>

**VII. ANALYSIS**

**a. There is insufficient evidence to prove that Officer Sobieraj pushed ██████ into the glass window of the holding cell.**

COPA finds Allegation #1 against Officer Sobieraj, that he pushed ██████ head into the glass window of a holding cell, is not sustained. The BWC evidence shows that Officer Sobieraj escorted ██████ into the holding cell and directed him to sit down. As ██████ argued with Officer Sobieraj, the officer placed his hand on ██████ left shoulder and ██████ began to turn around. At that point, ██████ appeared to lose his footing and fell into the glass window of the holding cell. The fact that ██████ head struck the window is undisputed; however, ██████ alleged Officer Sobieraj pushed him into the window while the officer maintained that ██████ fell of his own accord.

Although the incident was captured on BWC, the footage does not clearly show whether Officer Sobieraj used force against ██████ Officer Sobieraj denied that ██████ fall was the result of an intentional push, and Officer Accardo described ██████ as being intoxicated and unsteady on his feet. Additionally, COPA notes that the officers immediately requested an ambulance for ██████ though he ultimately refused medical treatment. For these reasons, COPA lacks sufficient evidence to prove or disprove the allegation against Officer Sobieraj; therefore, Allegation #1 is **not sustained**.

Approved:

████████████████████

Steffany Hreno  
*Director of Investigations*

1/18/2024

Date

<sup>13</sup> *People v. Coan*, 2016 IL App (2d) 151036 (2016).

Appendix A**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