



Log # 2020-3361

FINAL SUMMARY REPORT¹

I. EXECUTIVE SUMMARY

On July 23, 2020, the Civilian Office of Police Accountability (COPA) received a website complaint from ██████████ reporting alleged misconduct by a member of the Chicago Police Department (CPD). ██████████ alleged that on July 21, 2020, Sergeant Nicholas Cortesi pulled her hair, tearing braids from her scalp.² COPA obtained an affidavit override³ and served an allegation that Sergeant Cortesi pulled ██████████ to her feet by her hair, without justification. Following its investigation, COPA reached Sustained findings regarding the allegation.

II. SUMMARY OF EVIDENCE⁴

On July 21, 2020, at approximately 11:09 pm, ██████████ was driving alone in her vehicle in the vicinity of 7159 S. Vincennes Avenue when she was pulled over by Officer Arturo Algeria.⁵ Officer Algeria informed ██████████ that she was being pulled over for failing to yield to an emergency vehicle.⁶ Addition members, including Sergeant Cortesi, arrived on the scene.⁷ Officer Algeria requested ██████████ license, which she provided. Upon running ██████████ license, it was discovered that ██████████ license was suspended.⁸ Sergeant Cortesi approached ██████████ vehicle and asked her to step out.⁹ ██████████ did not comply and repeatedly asked, “For what?”¹⁰ Sergeant Cortesi told ██████████ she was under arrest and opened the car door. ██████████ grabbed the car door.¹¹ An officer approached and grabbed ██████████ right arm, who was still seated in her vehicle.¹² Sergeant Cortesi then handcuffed ██████████ left wrist.¹³ Sergeant Cortesi informed ██████████ that

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 The allegation 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 Att. 47, Approval of Affidavit Override.

⁴ 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, police reports, civilian interviews, and officer interviews.

⁵ Att. 26, BWC of Officer Algeria at 1:53.

⁶ Att. 26 at 2:18 to 2:38.

⁷ Att. 32, BWC of Officer Nicholas Cortesi.

⁸ Att. 8, Number Plate Report.

⁹ Att. 32 at 2:14.

¹⁰ Att. 32 at 2:20.

¹¹ Att. 32 at 2:24 to 2:27.

¹² Att. 32 at 2:36.

¹³ Att. 32 at 2:38.

she was driving on a suspended license.¹⁴ [REDACTED] replied that she was not and that she was on a payment plan.¹⁵ [REDACTED] began to reach for her phone. Officers directed [REDACTED] not to reach, but she did not comply and grabbed her phone.¹⁶ Sergeant Cortesi moved to take the phone out of [REDACTED] left hand, but [REDACTED] pulled her hand away and shouted, “Don’t touch my shit.”¹⁷ Sergeant Cortesi then pulled on [REDACTED] handcuffed arm, and she said, “Don’t touch me, G, cuz I will punch the fuck out of you.”¹⁸ Sergeant Cortesi informed [REDACTED] that she now had an assault charge, but she responded that she did not care.¹⁹ [REDACTED] exited the car, and officers began handcuffing her hands behind her back.²⁰ [REDACTED] still had her phone in her hand. [REDACTED] then shouted, “Don’t touch my shit,” and punched Officer Anthony Sorrentino with her right fist.²¹ Officer Sorrentino stated that [REDACTED] just punched him in the face, and [REDACTED] stated, “Because you touched me, G. Yeah. Yeah, I did.”²² Several officers then assisted in handcuffing [REDACTED].²³

Once [REDACTED] was handcuffed, Sergeant Cortesi grabbed her by the back of her shirt.²⁴ Sergeant Cortesi stated that when he did this, he inadvertently grabbed one of [REDACTED] braids.²⁵ Sergeant Cortesi stated that when he realized he had [REDACTED] braid, he maintained his grip as a method of control to prevent [REDACTED] from escalating and injuring other officers.²⁶ [REDACTED] then back-kicked Sergeant Cortesi with her right leg.²⁷ Sergeant Cortesi stated that before she kicked him, [REDACTED] grabbed the lower portion of his vest.²⁸ Sergeant Cortesi performed a takedown of [REDACTED] and brought her to the ground.²⁹ [REDACTED] landed face down on the ground. Sergeant Cortesi and other officers began to lift [REDACTED] off the ground while directing her to get up.³⁰ During this process, Sergeant Cortesi grabbed [REDACTED] by a braid again.³¹ Once [REDACTED] was on her feet, Sergeant Cortesi continued to hold [REDACTED] braid for several seconds and walked [REDACTED] to a squad car while still holding the braid.³² Sergeant Cortesi stated that he continued to hold [REDACTED] braid to prevent her from spitting on himself or any officers because he believed she was looking

¹⁴ Att. 32 at 2:42.

¹⁵ Att. 32 at 2:43.

¹⁶ Att. 32 at 2:50 to 2:52.

¹⁷ Att. 32 at 2:52 to 2:53.

¹⁸ Att. 32 at 2:57 to 3:01.

¹⁹ Att. 32 at 3:00 to 3:03.

²⁰ Att. 32 at 3:09 to 3:13

²¹ Att. 75, BWC of Officer Anthony Sorrentino at 2:32 to 2:35.

²² Att. 75 at 2:35 to 2:41.

²³ Att. 32 at 3:27 to 3:44.

²⁴ Att. 32 at 3:47 to 3:50.

²⁵ Att. 85, Statement of Sergeant Nicholas Cortesi (transcript), pg. 22, ln. 24 to pg. 23, ln. 7.

²⁶ Att. 85, pg. 27, lns. 2 to 16.

²⁷ Att. 75 at 3:11.

²⁸ Att. 85, pg. 24, lns. 6 to 13.

²⁹ Att. 75 at 3:12.

³⁰ Att. 75 at 3:26 to 3:30.

³¹ Att. 32 at 4:03 to 4:10.

³² Att. 32 at 4:10 to 4:54; Att. 75 at 3:46 to 4:10. Sergeant Cortesi completed a Tactical Response Report (Att.13) containing a narrative that substantially reflects what is shown on BWC.

for a target.³³ Sergeant Cortesi did not recall ██████ stating she would spit on any officer.³⁴ He also stated that ██████ did not spit. ██████ was taken into custody.³⁵ Officer Cortesi provided a second statement to COPA clarifying that at the time of the incident, he believed that the firm grip on ██████ hair served the same purpose as a CPD approved compliance and holding technique.³⁶

On March 18, 2022, COPA investigators obtained ██████ statement.³⁷ After the statement, ██████ submitted a photograph to COPA that depicted the damage to her hair caused when Sergeant Cortesi pulled her braid.³⁸ The photograph showed a bald spot on the back right side of ██████ head.³⁹

III. ALLEGATIONS

Sergeant Nicholas Cortesi:

Pulling ██████ to her feet by her hair, without justification.

- 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 question the credibility of any of the individuals (sworn or unsworn) who provided statements.

V. ANALYSIS⁴⁰

Sergeant Cortesi was not justified in pulling ██████ to her feet by her braid.

Although it is permissible to use holding and compliance techniques on active resisters,⁴¹ such techniques are only permissible to the extent that they are objectively reasonable, necessary, and proportional to the threat depending on the circumstances of the situation.⁴² Failure to follow this directive is a violation of CPD Rules 2, 3, 5, 6, 8, and 9.

Here, the evidence indicated that Sergeant Cortesi's use of force, when he pulled ██████ to her feet by her braid, was unreasonable and unnecessary. Although ██████ was an assailant

³³ Att. 85, pg. 31, lns. 4 to 10.

³⁴ Att. 85, pg.31, lns. 19 to 20.

³⁵ Att. 86, Register of Actions - Cook County Clerk of Court. ██████ has a pending felony case for two Aggravated Battery charges relating to this incident.

³⁶ Att. 84, Supplemental Statement of Sergeant Nicholas Cortesi, pg. 7, lns. 3 to 12.

³⁷ Att. 48, Statement of ██████ (audio).

³⁸ Att. 52. Material Submission of Photograph of Damage to ██████ Hair.

³⁹ Att. 52.

⁴⁰ For a definition of COPA's findings and standards of proof, see Appendix B.

⁴¹Att. 89, Force Options, G0-03-01 (IV)(B)(2).

⁴² Att. 86, Use of Force, G03-02(III)(B)(1-3).

when she struck Officer Sorrentino and when she kicked Sergeant Cortesi, when Sergeant Cortesi pulled her braid, she was behaving as a passive resister, refusing to comply with the direction to stand. She was also handcuffed and surrounded by several officers who were assisting in lifting ██████ to her feet, making Sergeant Cortesi's pulling of ██████ braid unnecessary. Moreover, Sergeant Cortesi continued to hold ██████ braid even after she was on her feet and being walked to a squad car. Sergeant Cortesi's claim that he did so to control ██████ head to prevent her from spitting on officers is unavailing. The verifiable evidence does not show ██████ threatening to spit or spitting at any point during this incident. Considering these facts, pulling ██████ braid and holding onto her braid was not objectively reasonable and was a disproportionate response. Therefore, COPA finds that this allegation is **Sustained**.

VI. DISCIPLINARY RECOMMENDATION

a. Sergeant Nicholas Cortesi

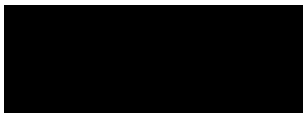
i. Complimentary and Disciplinary History⁴³

Sergeant Cortesi has received 347 various awards and has no disciplinary history.

i. Recommended Penalty

COPA found that Sergeant Cortesi violated Rules 2, 3, 5, 6, 8, and 9 when he pulled ██████ to her feet by her hair without justification. For these reasons, combined with the sergeant's complimentary and lack of disciplinary history, COPA recommends a **Reprimand and Retraining**.

Approved:



01-09-2024

LaKenya White
Director of Investigations

Date

⁴³ Att. 90.

Appendix ACase Details

Date/Time/Location of Incident:	July 21, 2020/11:09 pm/7159 S. Vincennes Avenue
Date/Time of COPA Notification:	July 23, 2020/11:41 am
Involved Member #1:	Nicholas Cortesi, Star No. 1146, Employee ID No. [REDACTED], Date of Appointment: August 7, 1995, Unit of Assignment 007, male, white
Involved Individual #1:	[REDACTED] female, 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: Use of Force (effective February 29, 2020 to April 15, 2021).
- G03-02-01: Force Options (effective 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.⁴⁴ 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.”⁴⁵

⁴⁴ 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).

⁴⁵ *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