



Log # 2021-0004584

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

### I. EXECUTIVE SUMMARY

On November 15, 2021, the Civilian Office of Police Accountability (COPA) received a complaint from Sgt. Edward Hurley of the 22<sup>nd</sup> District, on behalf of [REDACTED] reporting alleged misconduct by a member of the Chicago Police Department (CPD). [REDACTED] alleged that on November 15, 2021, Officer Edward Bryan physically pushed her and was verbally abusive toward her.<sup>2</sup> Upon review of the evidence, COPA served additional allegations that Officer Bryan failed to complete both a Tactical Response Report (TRR) and an Investigative Stop Report (ISR). Following its investigation, COPA reached sustained findings against Officer Bryan for pushing and verbally abusing [REDACTED] and failing to complete a TRR.

### II. SUMMARY OF EVIDENCE<sup>3</sup>

On November 15, 2021, at approximately 3:25 pm, Officer Bryan and Officer Vincent Barner were on scene at [REDACTED] High School in response to an altercation between students where guns were alleged to be involved. [REDACTED] ([REDACTED] is the aunt of one the students involved in the altercation and was on scene with [REDACTED] ([REDACTED] who is the mother of the same student. Both women were on scene to address this issue and were visibly upset with how the situation was being handled by the school and CPD.

[REDACTED] and [REDACTED] both entered their vehicles and drove just outside the school parking lot before parking along Monterey Ave. Once parked, [REDACTED] and additional family members approached officers<sup>4</sup> and yelled at them that they were not doing enough to protect [REDACTED] daughter. This continued as the officers on scene gave [REDACTED] and [REDACTED] orders to get in their vehicles and leave the area. Both [REDACTED] and [REDACTED] remained on scene and continued yelling profanities at Officers Barner and Bryan while walking to their vehicles separately. This is when the incident began to escalate.

First, Officer Bryan followed closely behind [REDACTED] as she entered her vehicle. [REDACTED] daughter continued arguing with Office Bryan from the back seat, and he responded by telling her to “shut the fuck up.”<sup>5</sup> Following this, while walking back to her vehicle, [REDACTED] continued to

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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> 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.

<sup>3</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, the initiation report, and officer interviews.

<sup>4</sup> This includes Officer Bryan and Officer Barner.

<sup>5</sup> Att 12 (5:06-5:10)

yell profanities toward officers including Officer Bryan. Officer Bryan began to walk towards ██████████ and responded with profanities of his own, including repeatedly yelling words to the effect of “get the fuck out of here” and “what the fuck are you going to do.”<sup>6</sup> As Officer Bryan reached ██████████ who was standing near her driver’s seat with the door open, Officer Bryan began giving ██████████ more orders to leave. As he did this, Officer Bryan made profane and demeaning comments to the effect of “get your fat ass in the car,” while also placing his hand on ██████████ shoulder and attempting to push her into her vehicle.<sup>7</sup>

Following this, the scene continued to become more volatile, with officers and family members having to separate ██████████ and Officer Bryan. Officer Bryan stepped away from ██████████ but the two continued to argue. Officer Bryan then engaged with another upset female family member, who exited ██████████ vehicle. Officer Bryan repeatedly yelled for the female to “bring your man up here” before assisting officers encouraged him to step away.<sup>8</sup> Both ██████████ and ██████████ then drove away from the scene in their vehicles.

### III. ALLEGATIONS

#### Officer Edward Bryan:

1. Using excessive force by pushing ██████████ into her vehicle.
  - Sustained, Violation of Rules 2, 3, 6, 8, and 9.
2. Was verbally abusive by directing profanities and derogatory words at ██████████
  - Sustained, Violation of Rules 2, 3, 6, 8, and 9.
3. Failing to complete an Investigatory Stop Report (ISR) after investigating ██████████
  - Exonerated
4. Failing to complete a Tactical Response Report (TRR) after pushing ██████████ into her vehicle.
  - Sustained, Violation of Rules 5, 6, and 10.

### 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. ANALYSIS<sup>9</sup>

COPA finds Allegation #1 against Officer Bryan, that he used excessive force by pushing ██████████ into her vehicle, is **sustained**. Based on the obtained footage, it is evident that during the verbal altercation, Officer Bryan approached ██████████ and pushed her, attempting to

<sup>6</sup> Att. 12 (5:10-5:19)

<sup>7</sup> Att. 12 (5:20-5:24) and Att. 13 (1:30-1:32)

<sup>8</sup> Att. 12 (6:48 – 6:55)

<sup>9</sup> For a definition of COPA’s findings and standards of proof, *see* Appendix B.

force her into her vehicle. It is also evident that ██████ involvement in the situation incited further conflict and reasonably elevated her to an active resister with Officer Bryan. CPD policy, G03-02, allows for officers to use a reasonable amount of force that is proportional and necessary to the resistance they encounter.<sup>10</sup> Officer Bryan described ██████ as an active resister based on her refusal to obey his commands and her aggressive demeanor during the incident. Although ██████ may reasonably be described as an active resister, she did not appear to be threatening or violent towards Officer Bryan or other officers. For these reasons, COPA finds that Officer Bryan's decision to use force against ██████ was objectively unreasonable, unnecessary, and unproportional.

COPA finds Allegation #2 against Officer Bryan, that he was verbally abusive by directing profanities and derogatory words at ██████ is **sustained**. CPD policy, G02-01, requires CPD members to conduct themselves in a professional and respectful manner, not exhibiting derogatory language toward any person.<sup>11</sup> CPD Rules 8 and 9 also prohibit the disrespect or maltreatment of any person, as well as unjustified verbal and physical altercations. Throughout this event, Officer Bryan made several derogatory comments and conducted himself in an unprofessional manner, both using profanity as well as continuing the verbal altercation rather than utilizing de-escalation techniques.

Officer Bryan did initially attempt to speak with ██████ and ██████ family in a professional manner, calmly giving commands for them to leave. Although ██████ and ██████ yelled profanities at the officers, it was Officer Bryan's responsibility to remain professional and de-escalate the situation. Officer Bryan admitted in his interview that he fell short of this responsibility and became too emotional in how he reacted. It should also be noted that other officers on scene could be heard telling Officer Bryan that the situation was not worth losing his job.<sup>12</sup>

COPA finds Allegation #3 against Officer Bryan, that he failed to complete an ISR after investigating ██████ is **exonerated**. CPD Policy, S04-13-09, requires CPD members to complete an ISR for individuals who are involved in a non-voluntary detention or investigation where they are not free to leave. Although ██████ was certainly involved in the situation, at no point did it appear that she was not free to leave. ██████ and ██████ were never placed in handcuffs or asked to remain on scene. In fact, both women were asked repeatedly to leave the location so the situation could be resolved. Officer Bryan told COPA that he never intended to arrest ██████ or ██████ because he believed the situation would be resolved after they left.

COPA finds Allegation #4 against Officer Bryan, that he failed to complete a TRR after pushing ██████ into her vehicle, is **sustained**. CPD policy, G03-02-02, requires members to complete a TRR following a use of force incident.<sup>13</sup> Officer Bryan told COPA that he did not complete a TRR because he did not believe the force that he used rose to the level of requiring a

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<sup>10</sup> Att. 18 G03-02 De-escalation, Response to Resistance and Use of Force (III) (B) (3)

<sup>11</sup> Att. 20 G02-01 Human Rights and Human Resources (III) (B)

<sup>12</sup> Att. 12 (7:00 – 7:10)

<sup>13</sup> Att. 19 G03-02-02: Incidents Requiring the completion of a Tactical Response Report (III) (A)

TRR.<sup>14</sup> However, the BWC footage clearly captured Officer Bryan push ██████ multiple times by the shoulder. Furthermore, when Officer Bryan was asked what level of resister he believed ██████ to be at that point, he stated she was an active resister. Both of these elements require the completion of a TRR.<sup>15</sup> Additionally, COPA notes that an unidentified assisting officer<sup>16</sup> was captured on BWC footage asking a question to the effect of “are you going to do a TRR for that?”<sup>17</sup>

**VI. DISCIPLINARY RECOMMENDATION**

**a. Officer Edward Bryan**

**i. Complimentary and Disciplinary History<sup>18</sup>**

Officer Bryan has received 54 various awards, including one Superintendent’s Award of Tactical Excellence, three Department Commendations, and three complimentary letters. He has no sustained disciplinary history in the past five years.

**ii. Recommended Discipline**

COPA has found that Officer Bryan violated Rules 2, 3, 6, 8, 9, and 10, when he used excessive force by pushing ██████ into her vehicle; failed to complete a TRR to document that force; and was verbally abusive by directing profanities and derogatory words at ██████. Although Officer Bryan provided his perspective and justification regarding the allegations, his conduct throughout the incident was unprofessional, disrespectful, and unnecessarily escalated the situation. Moreover, his actions brought discredit to CPD and were damaging to the relationship expected of an officer when interacting with members of the public. Finally, COPA notes that Officer Bryan’s conduct was particularly unacceptable for an officer with over 15 years of experience. It is for these reasons, combined with Officer Bryan’s complimentary history and lack of disciplinary history, that COPA recommends he receive a **10-day suspension and retraining** regarding CPD’s use of force policy and standards of professionalism.

Approved:

████████████████████  
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Steffany Hreno  
*Director of Investigations*

1/15/2024

\_\_\_\_\_  
Date

<sup>14</sup> In his statement, Officer Bryan described himself as placing his hand on the shoulder of ██████ and assisting her into her vehicle, as if he was utilizing a control hold.

<sup>15</sup> Att. 19 G03-02-02: Incidents Requiring the completion of a Tactical Response Report (III) (2) (a)

<sup>16</sup> This was potentially Officer Barner, as he was in the proximity of Officer Bryan during this physical altercation with ██████

<sup>17</sup> Att. 12 (5:50-6:00)

<sup>18</sup> Att. 17

Appendix ACase Details

Date/Time/Location of Incident:	November 15, 2021 / 3:25 PM / 1740 W Monterey Ave
Date/Time of COPA Notification:	November 15, 2021 / 4:35 PM
Involved Officer #1:	Edward Bryan, Star# 19701, Employee# [REDACTED], Date of Appointment: August 5, 1996, Unit of Assignment: 022, Male, Black.
Involved Officer #2:	Vincent Barner, Star# 19562, Employee# [REDACTED], Date of Appointment: December 4, 1995, Unit of Assignment: 022, Male, Black.
Involved Individual #1:	[REDACTED] Female, Black.
Involved Individual #2:	[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

- G02-01: Protection of Human Rights (effective October 5, 2017 to June 30, 2022)
- G03-02: De-Escalation, Response to Resistance, and Use of Force (effective April 15, 2021 to June 28, 2023)
- G03-02-02: Incidents Requiring the Completion of a Tactical Response Report (effective April 15, 2021 to June 28, 2023)
- S04-13-09: Investigatory Stop System (effective July 10, 2017 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.<sup>19</sup> For example, if the evidence gathered in an investigation establishes that it is more likely that the conduct complied with Department 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>20</sup>

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<sup>19</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>20</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