



Log # 2022-2765

FINAL SUMMARY REPORT¹

I. EXECUTIVE SUMMARY

On July 2, 2022, a sergeant from the Chicago Police Department's (CPD) Office of Communication and News Affairs initiated this log number following an inquiry from TMZ.² A cell phone video had captured off-duty Sergeant Michael Vitellaro (Sgt. Vitellaro) physically detaining 14-year-old ██████████ (██████████) outside a Starbucks in Park Ridge, Illinois, on July 1, 2022. The video had been circulating online, and it was subsequently picked up by other news platforms. The Civilian Office of Police Accountability (COPA) received CPD's initiation report the day after the incident and immediately began a preliminary investigation.³ Sgt. Vitellaro was subsequently relieved of his police powers and charged with felony aggravated battery and official misconduct.⁴

Upon review of the evidence, COPA alleged that Sgt. Vitellaro detained ██████████ without justification, used excessive force against ██████████ engaged in unnecessary physical and verbal altercations with ██████████ and his friends, used unbecoming language, and provided false statements to the Park Ridge Police Department (PRPD) and in CPD reports. Following its investigation, COPA reached sustained findings regarding the physical and verbal altercations, the level of force Sgt. Vitellaro used, his unbecoming language, and the false statements he made regarding the force he used to detain ██████████

COPA also served allegations on CPD Lieutenants William McClelland (Lt. McClelland) and Timothy Weiglein (Lt. Weiglein) for failing to initiate a complaint log, and on Lt. McClelland for providing a false report to COPA about whether he knew there was a video of the incident. The allegations against both lieutenants are not sustained.

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 Att. 1; TMZ is a celebrity news website.

³ Through their respective attorneys, both ██████████ and Sgt. Vitellaro declined to participate in COPA's investigation. Sgt. Vitellaro invoked his criminal rights under the Fifth Amendment and refused to provide a statement to COPA regarding the incident. Atts. 115 to 116.

⁴ Atts. 108 to 109, 121, and 145.

II. SUMMARY OF EVIDENCE⁵

On July 1, 2022, Sgt. Vitellaro was off duty when he learned that his son, ██████ had his bicycle stolen in Park Ridge, Illinois. Another youth, ██████ had ridden ██████ bicycle to a Starbucks and left it on the sidewalk area.⁶ Sgt. Vitellaro retrieved his son and relocated to the Starbucks, where a group of juveniles including ██████ were congregating outside.⁷ As ██████ rode his own bicycle toward the area where ██████ bicycle was located, Sgt. Vitellaro exited his vehicle.⁸ ██████ dismounted his own bicycle, which remained upright.⁹ ██████ reported that he was holding onto his own bicycle when he leaned down and lifted the other bicycle to move it.¹⁰ A commotion ensued, and Sgt. Vitellaro grabbed ██████ and forced him to the ground.¹¹ According to ██████ Sgt. Vitellaro approached him suddenly and said nothing before grabbing ██████ arm, forcibly taking him to the ground, and pressing his knee on ██████ back.¹² According to Sgt. Vitellaro, he saw ██████ mount his son's bicycle and prepare to ride off. At that point, Sgt. Vitellaro proceeded to grab ██████ wrist in an armbar.¹³ Sgt. Vitellaro acknowledged that he did not tell ██████ he was under arrest.¹⁴

When PRPD first arrived on scene, Sgt. Vitellaro initially reported that he performed a takedown on ██████ twice stating that he took ██████ to the ground.¹⁵ However, once at the PRPD station, Sgt. Vitellaro claimed that ██████ tripped and fell of his own volition as Sgt. Vitellaro grabbed his wrist.¹⁶ During a PRPD follow-up interview on August 1, 2022, Sgt. Vitellaro initially maintained that ██████ fell on his own,¹⁷ before equivocating that it was possible he performed an emergency takedown but could not recall.¹⁸ Witnesses were inconsistent as to what contact ██████ had with ██████ bicycle, but all who saw the onset of the incident reported that Sgt. Vitellaro brought ██████ to the ground and put his knee on ██████ back,¹⁹ with the exception of ██████ who stated that ██████ tripped.²⁰

⁵ The following is a summary of what COPA finds most likely occurred during this incident. This summary utilized information from several different sources, including the cell-phone video shared online, PRPD reports and body worn camera (BWC) footage (including summaries of statements from witnesses, ██████ and Sgt. Vitellaro), surveillance videos from two nearby businesses, CPD reports completed by Sgt. Vitellaro, and COPA interviews with three lieutenants involved in the completion of Sgt. Vitellaro's CPD reports.

⁶ Att. 64 at 12:13; Att. 21 at 00:10; Att. 117, pg. 21; Atts. 128 to 130, 133. PRPD later learned from ██████ that his friends admitted to moving the bicycle.

⁷ Att. 9, pg. 7; Sgt. Vitellaro told PRPD that he learned through one of ██████ acquaintances that the bicycle was sighted at the Starbucks. Att. 21 at 14:05.

⁸ Att. 64 at 27:55; Att. 21 at 15:49.

⁹ Att. 64 at 27:59.

¹⁰ Att. 53 at 1:55; Att. 56 at 5:40.

¹¹ Att. 64 at 28:08.

¹² Att. 48 at 2:15 and 10:35; Att. 56 at 5:40 and 6:45; and Att. 117, pg. 19.

¹³ Att. 46 at 2:15 and 10:10; Att. 48 at 1:30 and 3:10; and Att. 117, pgs. 25 to 26.

¹⁴ Att. 117, pg. 27.

¹⁵ Att. 48 at 1:35; Att. 57 at 2:45.

¹⁶ Att. 46 at 2:30 and 11:30; Att. 117, pg. 26.

¹⁷ Att. 117, pg. 25.

¹⁸ Att. 117, pg. 26.

¹⁹ Att. 45 at 18:25; Att. 48 at 2:00 and 13:00; Att. 117, pgs. 21 and 23.

²⁰ Att. 117, pg. 24.

Once ██████ was on the ground, Sgt. Vitellaro called 911, seeking assistance and identifying himself as an off-duty officer.²¹ Three witnesses also called 911, reporting a fight.²² One of ██████ friends began recording the incident on his cell phone as ██████ was lying face-down on the ground, with Sgt. Vitellaro's right knee pressed into the small of ██████ back.²³ The cell-phone video captured witnesses arguing with and admonishing Sgt. Vitellaro, who put away his phone and released his knee. ██████ friends brought him to his feet while Sgt. Vitellaro tried to maintain a grip on ██████ wrist. A push-and-pull ensued before ██████ was separated from Sgt. Vitellaro. Per Sgt. Vitellaro, ██████ friends surrounded him in a threatening manner, so he announced his office.²⁴ Per the juveniles, Sgt. Vitellaro followed them in a threatening manner.²⁵

Once on scene, PRPD officers separated Sgt. Vitellaro from ██████ and his friends. Sgt. Vitellaro occasionally directed comments towards ██████ including, "don't take things, that's the lesson,"²⁶ and stating that his son's bicycle did not "walk here on its own."²⁷ Both on scene and after relocating to the PRPD station, Sgt. Vitellaro told PRPD that he was aware of the video, and he also confirmed he had not reported his son's bicycle as stolen.²⁸ As the scene was dissipating, ██████ mother, ██████ arrived at the Starbucks.²⁹ She watched the video and was upset that Sgt. Vitellaro knelt on ██████ the only "brown kid in this group."³⁰ All parties then relocated to the PRPD station. In a follow-up interview with PRPD, Sgt. Vitellaro stated that he acted as a concerned father, noting his son has a rare medical disorder and relies on his bicycle.³¹ Sgt. Vitellaro told PRPD that, while at the PRPD station on July 1, 2022, he contacted an on-duty 18th District CPD lieutenant, now identified as Lieutenant Thomas Mason (Lt. Mason), who told him to come to the 18th District to complete reports.³²

After finishing at the PRPD station on July 1, 2022, Sgt. Vitellaro went to CPD's 18th District, his assigned unit at the time, and completed a Tactical Response Report (TRR) and Investigatory Stop Report (ISR).³³ According to the TRR, ██████ did not follow verbal directions and pulled away. Sgt. Vitellaro responded by using force to overcome resistance or aggression, in the form of a wristlock and an armar, but the TRR does not mention an emergency takedown. Instead, both reports indicate that Sgt. Vitellaro grabbed ██████ wrist to prevent him from absconding with ██████ bicycle after ██████ mounted the bicycle. Sgt. Vitellaro reported that ██████ resisted and fell to the ground as Sgt. Vitellaro performed an armar. Sgt.

²¹ Att. 39 at 00:13 and 00:25.

²² Att. 38, 41, 42.

²³ Att. 5. This is the video that ultimately went viral and triggered TMZ's inquiry to CPD.

²⁴ Att. 46 at 6:00 and 13:00; Atts. 47, 54, 57 at 10:45; Att. 57 at 4:42; Att. 117, pg. 25.

²⁵ Att. 45 at 19:05; Att. 117, pgs. 25, 26, and 31.

²⁶ Att. 57 at 3:55.

²⁷ Atts. 47, 54, 57 at 10:26.

²⁸ Att. 46 at 5:25; Atts. 54 and 57 at 4:15.

²⁹ Att. 47 at 14:05.

³⁰ Atts. 47, 48 at 15:20.

³¹ Att. 117, pgs. 28 to 29.

³² Att. 138, pg. 9, Ins. 5 to 14.

³³ Atts. 2 and 3.

Vitellaro then pressed his knee on the small of ██████ back to prevent his escape. Sgt. Vitellaro called 911, then released ██████ due to a hostile crowd forming, but he kept ██████ in his sight. Sgt. Vitellaro also noted that PRPD “took the offender into custody.”³⁴

According to PRPD’s case report, Sgt. Vitellaro stated that he showed the cell-phone video to an unnamed 1st watch lieutenant while at the 18th District. A 1st watch lieutenant at the 18th District, now identified as Lt. McClelland, reviewed Sgt. Vitellaro’s reports, and a 2nd watch lieutenant, now identified as Lt. Weiglein, approved them.³⁵ Lt. McClelland reviewed the TRR and confirmed it was legible and complete. Lt. Weiglein, the reviewing supervisor, indicated that Sgt. Vitellaro complied with CPD policy and directives but noted that he (Lt. Weiglein) did not review any video prior to approving the TRR. Neither lieutenant generated a complaint log or notified COPA of the incident.

During their interviews with COPA, both Lts. McClelland and Weiglein asserted they did not learn of the video until after the reports were approved.³⁶ Lts. Weiglein and McClelland further stated they acted on the information Sgt. Vitellaro provided, and nothing the sergeant articulated indicated that misconduct had occurred.³⁷ After COPA presented Lt. McClelland with the portion of the PRPD case report indicating that Sgt. Vitellaro had shown him the video, he maintained that he had not seen video at the time he reviewed the TRR.³⁸ Lt. McClelland clarified that Sgt. Vitellaro had informed him that people at the scene were recording, but Lt. McClelland was not aware there was video available for him to watch at the time.³⁹

III. ALLEGATIONS

Sergeant Michael Vitellaro:

1. Detained ██████ without justification.
 - Exonerated
2. Engaged in an unnecessary physical altercation with ██████
 - Sustained, Violation of Rules 2, 3, 6, 8, and 9
3. Used excessive and/or unwarranted force to detain ██████
 - Sustained, Violation of Rules 2, 3, 6, 8, and 9
4. Engaged in an unnecessary verbal altercation with ██████ and/or additional juveniles following the physical interaction with ██████
 - Sustained, Violation of Rules 2, 3, 6, 8, and 9

³⁴ Att. 2, pg. 2; Att. 3, pg. 4 (the fifth consecutive page, but labeled as page 4 in the bottom right corner); Atts. 9, 10, 56, 117. Per PRPD reports, ██████ was never arrested or in their custody, but he went to the PRPD station with his parents to provide a statement.

³⁵ Att. 117, pg. 26.

³⁶ Att. 125, pg. 7, lns. 14 to 22, pg. 8, lns. 8 to 18, pg. 8, ln. 22, pg. 9, ln. 1; Att. 126, pg. 5, ln. 22, pg. 6, ln. 2, pg. 9, ln. 8; and Att. 138, pg. 9, lns. 18 to 20, pg. 10, lns. 2 to 9.

³⁷ Att. 125, pg. 9, lns. 13 to 19, pg. 12, lns. 7 to 9; Att. 126, pg. 9, lns. 12, 23 to 24.

³⁸ Att. 144, pg. 11, lns. 12 to 18, pg. 14, lns. 8 to 12.

³⁹ Att. 144, pg. 14, lns. 13 to 24.

5. Used language unbecoming of a Chicago Police officer while providing your account of the incident to Park Ridge Police Department Officer Steven Ledford.
 - Sustained, Violation of Rules 2, 3, and 6
6. Provided false, misleading, incomplete and/or inaccurate information to Park Ridge Police Department Officer Steven Ledford about the force you used against [REDACTED]
 - Sustained, Violation of Rules 2, 3, 6, and 14
7. Provided false, misleading, incomplete and/or inaccurate information to Park Ridge Police Department Officer Steven Ledford about your justification for detaining [REDACTED]
 - Not Sustained
8. Provided false, misleading, incomplete and/or inaccurate information in the Tactical Response Report (“TRR”) and/or Investigatory Stop Report (“ISR”) about the force you used against [REDACTED]
 - Sustained, Violation of Rules 2, 3, 6, and 14
9. Provided false, misleading, incomplete and/or inaccurate information in the Tactical Response Report (“TRR”) and/or Investigatory Stop Report (“ISR”) about your justification for detaining [REDACTED]
 - Not Sustained

Lieutenant William McClelland:

1. Failed to obtain a complaint log number following a review of Tactical Response Report (“TRR”) #2022-01926.
 - Not Sustained
2. Provided a false, misleading, and/or inaccurate report by denying that you had watched, or were otherwise aware of, a video of the off-duty incident in Park Ridge, IL on July 1, 2022 involving Sergeant Michael Vitellaro at the time you reviewed Tactical Response Report (TRR) #2022-01926.
 - Not Sustained

Lieutenant Timothy Weiglein:

1. Failed to obtain a complaint log number following a review of Tactical Response Report (“TRR”) #2022-01926.
 - Not Sustained

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. In this case, Sgt. Vitellaro failed to provide consistent accounts of the incident across multiple statements to PRPD and in CPD reports. Sgt. Vitellaro initially, and in certain terms, stated that he performed a takedown on [REDACTED]. Then, after learning a video existed and having time to process the situation, he told PRPD that [REDACTED] fell to the ground of his own volition. Sgt. Vitellaro then echoed this new narrative in official CPD reports. Finally, when pressed by PRPD

on the issue a month later, Sgt. Vitellaro waffled between the two narratives, ultimately saying he could not recall. The only witness to report that ██████ fell was Sgt. Vitellaro's son. Further, Sgt. Vitellaro mischaracterized ██████ as an offender in CPD reports and suggested ██████ attempted to fight him, both of which are refuted by video evidence. Sgt. Vitellaro's contradictory statements are further discussed in the analysis section below.

By contrast, ██████ was consistent in his account of the incident from his first statements to PRPD until his follow-up interview three weeks later. ██████ maintained that he never got on ██████ bicycle and only grabbed the bicycle to move it. Witness statements do vary as to whether ██████ mounted the bicycle, but video evidence suggests he did not. While the witness statements are inconsistent, this does not suggest diminished credibility, but instead speaks to the effects of physical positioning, heightened emotions, and the passage of time with regards to memory and how an incident is perceived.

With regards to Lts. Weiglein, McClelland, and Mason, this investigation did not reveal any evidence that caused COPA to question their credibility. While the PRPD investigation suggested that Lt. McClelland had seen the video, despite telling COPA he had not, this came from a third-hand account that did not reveal the exact identity of the lieutenant whom Sgt. Vitellaro was referencing. It is possible Sgt. Vitellaro provided inaccurate information and/or was talking about a different CPD member, or the PRPD member who wrote the report misunderstood or otherwise misreported the information.

V. ANALYSIS⁴⁰

a. Sergeant Michael Vitellaro

Allegation 1 against Sgt. Vitellaro alleges that he detained ██████ without justification. The same standards for an on-duty investigatory stop apply to Sgt. Vitellaro's off-duty detention of ██████. Per CPD policy, officers may temporarily detain and question "a person in the vicinity where the person was stopped based on Reasonable Articulate Suspicion that the person is committing, is about to commit, or has committed a criminal offense."⁴¹ In this instance, witness narratives were consistent that Sgt. Vitellaro approached ██████ after ██████ physically touched Sgt. Vitellaro's son's bicycle, which Sgt. Vitellaro believed was stolen. While the evidence does not support that ██████ stole ██████ bicycle, Sgt. Vitellaro could have reasonably believed that ██████ did steal, was stealing, or was about to steal his son's bicycle, when ██████ picked up the bicycle to move it. Therefore, Sgt. Vitellaro had reasonable articulable suspicion to detain and question the individual he saw maneuvering his son's bicycle. For these reasons, COPA finds that Sgt. Vitellaro had justification to detain ██████ and Allegation 1 is **exonerated**.

Allegation 2 against Sgt. Vitellaro alleges that he engaged in an unnecessary physical altercation with ██████. CPD Rule 9 prohibits members from engaging in an unjustified verbal or

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

⁴¹ Att. 85, S04-13-09(II)(A), Investigatory Stop System (effective July 10, 2017 to present).

physical altercation with any person, while on or off duty.⁴² Per CPD policy, “The Chicago Police Department seeks to gain the voluntary compliance of persons, when consistent with personal safety. The Department expects its members to develop and display the skills and abilities to act in a manner to eliminate the need to use force and resolve situations without resorting to force. Department members will only resort to the use of force when required under the circumstances to serve a lawful purpose.”⁴³ CPD policy further states that, whenever possible, members will identify themselves as police officers prior to taking any police action.⁴⁴ Additionally, “when it is safe and feasible, members will provide a warning prior to the use of physical force,”⁴⁵ and “allow persons to voluntarily comply with lawful verbal direction.”⁴⁶ The policy also states that “[m]embers will attempt to use verbal control techniques to avoid or minimize confrontations prior to, during, and after the use of physical force,”⁴⁷ including “using a respectful tone and acknowledging any confusion or mistrust by the person.”⁴⁸

Through a combination of the video evidence and statements made to the PRPD, COPA finds that Sgt. Vitellaro grabbed ██████ arm, performed an armbar, brought ██████ face-down onto the ground, and then held ██████ down by placing his knee on ██████ back. ██████ did not pose a threat that Sgt. Vitellaro needed to stop. Instead, Sgt. Vitellaro sought to detain ██████ based on reasonable articulable suspicion. While ██████ may have pulled away when first grabbed, Sgt. Vitellaro was off duty, in normal civilian clothing, said nothing, did not identify himself as a police officer, and had not reported the theft to police. Sgt. Vitellaro took it upon himself to conduct surveillance and then physically accosted the first person he saw touching his son’s allegedly stolen bicycle. It is understandable that ██████ who was 14 years old, would be confused and pull away after being suddenly grabbed by an unknown adult man. Sgt. Vitellaro then escalated his force and performed an armbar and takedown on ██████. By a preponderance of the evidence, COPA finds that Sgt. Vitellaro initiated and engaged in an unjustified physical altercation with ██████. Accordingly, Allegation 2 is **sustained** as a violation of Rules 2, 3, 6, 8, and 9.

Allegation 3 against Sgt. Vitellaro, that he used excessive and/or unwarranted force to detain ██████ is also sustained. CPD policy provides that “Department members may only use force that is objectively reasonable, necessary, and proportional, under the totality of the circumstances, in order to ensure the safety of a member or third person, stop an attack, make an arrest, bring a person or situation safely under control, or prevent escape.”⁴⁹ COPA finds that when Sgt. Vitellaro first grabbed ██████ was not a resister. ██████ had not disobeyed any lawful orders, as he was not given any orders, and he was unaware a police officer was detaining him. Therefore, CPD policy only authorized the use of police presence and verbal response towards

⁴² Rules and Regulations of the Chicago Police Department, Article V, Rule 9 (effective April 16, 2015).

⁴³ Att. 84, G03-02(II)(C), De-escalation, Response to Resistance, and Use of Force (effective April 15, 2021 to present).

⁴⁴ Att. 36, G03-02-01(II)(D), Response to Resistance and Force Options (effective April 15, 2021 to present).

⁴⁵ Att. 36, G03-02-01(III)(A)(5).

⁴⁶ Att. 36, G03-02-01(III)(C)(4).

⁴⁷ Att. 36, G03-02-01(III)(A)(1).

⁴⁸ Att. 36, G03-02-01(III)(A)(3)(c).

⁴⁹ Att. 84, G03-02(III)(B).

██████████ and grabbing his arm (a holding technique) was not appropriate.⁵⁰ After the grab, Sgt. Vitellaro proceeded to use an armbar on ██████████ which CPD policy allows on passive resisters, active resisters, and assailants.⁵¹ Sgt. Vitellaro also performed a takedown, bringing ██████████ facedown onto the sidewalk. However, CPD policy only allows the use of a takedown against active resisters and assailants.⁵² Finally, Sgt. Vitellaro put his knee on ██████████ back, which was also a control hold allowed only on resisters and assailants. All of this force was unreasonable, unnecessary, unproportional, and a violation of CPD policy.

Additionally, COPA finds that Sgt. Vitellaro failed to allow ██████████ “to voluntarily comply with a lawful verbal direction,”⁵³ which also rendered his actions excessive. While ██████████ may have resisted after Sgt. Vitellaro first grabbed him, the sergeant’s appearance was that of a regular civilian (i.e., no vest, badge, CPD insignia, etc.), and he had not yet announced he was a police officer. As far as ██████████ knew, an unknown adult man was attacking him, and civilians are allowed to flee from attack by other civilians. Saying that the force was allowed because ██████████ resisted would fail to account for Sgt. Vitellaro’s total lack of communication prior to using force, as well as the confusion ██████████ likely experienced in that moment. Sgt. Vitellaro created a chaotic situation by immediately using force to detain ██████████ without providing verbal direction or announcing his office. Sgt. Vitellaro then used the confusion caused by his ambush to justify further force against ██████████ who did not know who Sgt. Vitellaro was or what he wanted from ██████████. COPA also notes that ██████████ was 14 years old on the date of the incident, and he is smaller in stature than Sgt. Vitellaro, further highlighting that Sgt. Vitellaro’s actions were disproportionate to the behavior displayed by ██████████. For all these reasons, COPA finds Allegation 3 is **sustained** as a violation of Rules 2, 3, 6, 8, and 9.

COPA finds that Allegation 4 against Sgt. Vitellaro, that he engaged in an unnecessary verbal altercation with ██████████ and/or additional juveniles following the physical interaction with ██████████ is also sustained. Sgt. Vitellaro’s 911 call and the cell phone video captured the argument between Sgt. Vitellaro and the juveniles, and numerous witness statements provide additional context. According to witness ██████████ ██████████, the juveniles repeatedly asked Sgt. Vitellaro to leave them alone. ██████████ ██████████ who recorded the cell phone video, acknowledged that three of the juveniles did push and grab Sgt. Vitellaro, but only to get Sgt. Vitellaro away from ██████████. ██████████ reported that Sgt. Vitellaro got in his face, and started staring at him.⁵⁴ Finally, ██████████ ██████████ recalled that after ██████████ stood up, Sgt. Vitellaro started yelling and following ██████████ causing ██████████ to grow concerned enough to call 911. The Starbucks security footage corroborates that Sgt. Vitellaro followed ██████████ and his friends after ██████████ got back onto his feet.⁵⁵ While there is no audio, the group appeared to be arguing, and ██████████ showed Sgt. Vitellaro his cell phone.⁵⁶ Other BWC footage showed that once PRPD arrived, Sgt. Vitellaro argued with,

⁵⁰ Att. 36, G03-02-01(IV)(A).

⁵¹ Att. 36, G03-02-01(IV)(B), (C).

⁵² Att. 36, G03-02-01(IV)(B)(2), (C).

⁵³ Att. 36, G03-02-01(III)(C)(4).

⁵⁴ Att. 45 at 19:28.

⁵⁵ Att. 18 at 3:40, 5:03, 5:15.

⁵⁶ Att. 18 at 4:10.

and directed comments towards, ██████ and his friends. For example, when Sgt. Vitellaro first explained himself to PRPD Officer Ledford, and ██████ separately spoke with PRPD Officer Cacioppo, Sgt. Vitellaro interrupted his conversation and shouted at ██████ “Don’t take things, that’s the lesson.”⁵⁷ Then, as PRPD was managing the scene, Sgt. Vitellaro approached ██████ who was seated with friends and visibly distraught, to again lecture ██████ stating in part that his son’s bicycle did not “walk here on its own.”⁵⁸

CPD rules prohibit its members from engaging in any unjustified verbal altercation, while on or off duty.⁵⁹ Additionally, CPD policy requires members to “treat all persons with the courtesy and dignity which is inherently due every person as a human being,”⁶⁰ and to “act, speak, and conduct themselves in a courteous, respectful, and professional manner, recognizing their obligation to safeguard life and property, and maintain a courteous, professional attitude.”⁶¹ It is understandable that Sgt. Vitellaro did not want ██████ to flee before PRPD arrived, but he was still obligated by CPD policy to treat ██████ and his peers with respect. COPA is not persuaded by Sgt. Vitellaro’s argument to PRPD that he thought the juveniles were going to attack him. In this instance, Sgt. Vitellaro was the only person acting violently. While the juveniles attempted to get away from Sgt. Vitellaro, Sgt. Vitellaro attempted to close the distance. Indeed, the videos show that the only force the juveniles used was pushing and grabbing, which was clearly aimed at extracting ██████ from Sgt. Vitellaro’s grasp. Once PRPD arrived and took control of the scene, Sgt. Vitellaro decided to approach and admonish ██████ who was already visibly distraught. Even if COPA were to consider that the earlier verbal exchanges were necessary, due to reasonable articulable suspicion and a desire to prevent ██████ from leaving, once PRPD arrived, they were handling the situation and ██████ was not going anywhere. Sgt. Vitellaro’s comments were unnecessary, escalated tensions, and distracted from the job PRPD had to do. In fact, PRPD had to direct Sgt. Vitellaro away from ██████ multiple times. For these reasons, COPA finds that Sgt. Vitellaro violated CPD policy⁶² and Rules 2, 3, 6, 8, and 9, and allegation 4 is **sustained**.

Allegation 5 against Sgt. Vitellaro, that he used language unbecoming of a CPD member while providing his account of the incident to PRPD Officer Steven Ledford, is also sustained. CPD policy requires members to conduct themselves in a courteous, respectful, and professional manner.⁶³ They will “not exhibit a condescending attitude or direct any derogatory terms toward any person in any manner...”⁶⁴ Additionally, CPD Rule 2 prohibits any action or conduct which impedes CPD’s efforts to achieve its policy and goals or brings discredit upon CPD.⁶⁵ CPD Rule

⁵⁷ Att. 57 at 3:55.

⁵⁸ Atts. 47 at 8:30; Att. 54 at 4:30; Att. 57 at 10:25.

⁵⁹ CPD Rule 9.

⁶⁰ Att. 83, G02-01(III)(B)(2), Protection of Human Rights (effective June 30, 2022 to present).

⁶¹ Att. 83, G02-01(III)(B)(3).

⁶² Att. 83, G02-01.

⁶³ Att. 83, G02-01(III)(B)(3).

⁶⁴ Att. 83, G02-01(III)(B)(4).

⁶⁵ CPD Rule 2 (the Comments to Rule 2 state, in pertinent part, “This Rule applies to both the professional and private conduct of all members. It prohibits any and all conduct which is contrary to the letter and spirit of Departmental

3 also prohibits any failure to promote CPD's efforts to implement its policy or accomplish its goals.⁶⁶ In this case, Officer Ledford's BWC captured Sgt. Vitellaro repeatedly using profanity while providing his account of the incident, including: "He knew he was fucked. He knew he was screwed;"⁶⁷ "He knew he was fucked. He knew he was in trouble;"⁶⁸ "Cause, like, when I grabbed him, he had that 'oh shit' look on his face. He's like 'oh I'm busted. I'm fucked;"⁶⁹ and "He knew he was fucked."⁷⁰ Sgt. Vitellaro had also informed PRPD, and Officer Ledford in particular, that he was a CPD sergeant. While COPA acknowledges emotions were heightened, Sgt. Vitellaro chose to identify himself as a CPD member and was therefore representing CPD in this encounter. Not only did Sgt. Vitellaro use discourteous and unprofessional language, but he also tried to characterize [REDACTED] actions as an admission of guilt and provided a poor representation of CPD. Sgt. Vitellaro's language violated CPD Rules 2, 3, and 6, as well as CPD policy.⁷¹ Accordingly, Allegation 5 is **sustained**.

Allegation 6 alleges that Sgt. Vitellaro provided false, misleading, incomplete and/or inaccurate information to PRPD Officer Ledford about the force he used against [REDACTED] CPD Rule 14 prohibits making a false report, written or oral. For COPA to sustain a Rule 14 allegation, the report must be false, made willfully, and be material to the investigation. In this case, Sgt. Vitellaro initially told Officer Ledford that he took [REDACTED] to the ground. However, while on scene, Sgt. Vitellaro presumably had the benefit of overhearing what the juveniles were saying and what PRPD was discussing. Then, after watching the cell phone video and relocating to the PRPD station, Sgt. Vitellaro changed his narrative to allege that [REDACTED] fell on his own, even offering that [REDACTED] feet got caught in the pedals and he tripped. Per surveillance video, [REDACTED] feet were planted on the ground, and nothing was underfoot as Sgt. Vitellaro forced [REDACTED] upper body downwards.⁷² Although the video is not particularly revealing as to how either individual was positioned or exactly where either bicycle was, it does show a measured action, rather than [REDACTED] tripping. Additionally, while not every witness reported seeing how [REDACTED] ended up on the ground, those who did report said that Sgt. Vitellaro brought [REDACTED] to the ground. The only witness who reported seeing [REDACTED] trip was [REDACTED] the accused's son.

Given the totality of the evidence, COPA finds that Sgt. Vitellaro did perform a takedown on [REDACTED]. Therefore, Sgt. Vitellaro's updated explanation to PRPD alleging [REDACTED] fell of his own volition was a false statement. The falsehood was also willful. Sgt. Vitellaro told Officer Ledford two times, and in no uncertain terms, that [REDACTED] fell.⁷³ Sgt. Vitellaro made a choice to

policy or goals or which would reflect adversely upon the Department or its members. It includes not only all unlawful acts by members but also all acts, which although not unlawful in themselves, would degrade or bring disrespect upon the member or the Department...").

⁶⁶ CPD Rule 3.

⁶⁷ Att. 57 at 3:35.

⁶⁸ Att. 57 at 6:35.

⁶⁹ Att. 57 at 9:22.

⁷⁰ Att. 57 at 15:00.

⁷¹ Att. 83, G02-01.

⁷² Att. 64 at 28:11.

⁷³ Att. 117 at 26.

present a false narrative regarding the force he used against [REDACTED] after having initially provided a different narrative. Sgt. Vitellaro's changing story regarding the takedown is material because it obscured the force that he used against [REDACTED]. Whether or not Sgt. Vitellaro performed a takedown is a central issue to both the PRPD criminal investigation and to COPA's use of force investigation. Because Sgt. Vitellaro gave a materially and willfully false report to PRPD's Officer Ledford regarding how [REDACTED] came to be on the ground, Allegation 6 is **sustained** as a violation of CPD Rules 2, 3, 6, and 14.

Allegation 7 against Sgt. Vitellaro, that he provided false, misleading, incomplete and/or inaccurate information to PRPD Officer Ledford about his justification for detaining [REDACTED] is not sustained. Sgt. Vitellaro told Officer Ledford that he detained [REDACTED] because [REDACTED] had fully mounted his son's bicycle and was preparing to ride off on it. However, accounts from [REDACTED] and witnesses indicate that [REDACTED] went to move [REDACTED] bicycle while holding onto his own bicycle. This is supported by the video evidence, though the footage does not clearly show whether [REDACTED] was straddling [REDACTED] bicycle or standing next to it while holding it up.⁷⁴ Even though the video does not capture [REDACTED] exact positioning when Sgt. Vitellaro approached, it does show that [REDACTED] was fully riding his own bicycle seconds before Sgt. Vitellaro went hands-on. Further, [REDACTED] own bicycle was upright but moving in a way that suggests it was being held, not standing on the kickstand. [REDACTED] bicycle then fell to the ground as the takedown occurred. This indicates [REDACTED] was holding onto his bicycle, and it fell as a consequence of Sgt. Vitellaro taking [REDACTED] to the ground. It is unlikely [REDACTED] would have held onto his own bicycle, and not engaged the kickstand, if he had mounted [REDACTED] bicycle and was about to ride off on it. For these reasons, COPA finds the preponderance of the evidence shows that Sgt. Vitellaro's statement was false, and [REDACTED] had not fully mounted his son's bicycle. Further, Sgt. Vitellaro's assertion that [REDACTED] was about to peddle off with the bicycle was material, as it created a justification for Sgt. Vitellaro to immediately and physically stop [REDACTED]

However, COPA is unable to assess Sgt. Vitellaro's willfulness in this falsehood. COPA notes Sgt. Vitellaro's consistency to PRPD on this matter, from his first on-scene comments to PRPD until his follow-up interview a month later. Additionally, there were several individuals and at least two bicycles in the immediate vicinity. It is possible that from Sgt. Vitellaro's perspective and with his heightened emotions, he honestly thought [REDACTED] was on his son's bicycle. Because COPA cannot prove Sgt. Vitellaro's willfulness with regards to seeing [REDACTED] on his son's bicycle, Allegation 7 is **not sustained**.

Allegation 8 against Sgt. Vitellaro, that he provided false, misleading, incomplete and/or inaccurate information in the TRR and/or ISR about the force he used against [REDACTED] is sustained. As detailed above for Allegation 6, the evidence shows that Sgt. Vitellaro intentionally changed his narrative after learning there was a video of the incident, pivoting from an initial admission of a takedown to outright denial that a takedown occurred. When it came time to write his ISR and TRR, Sgt. Vitellaro made no mention of a takedown, and instead asserted that [REDACTED] fell while attempting to flee. Sgt. Vitellaro chose to make and repeat the falsehood that [REDACTED] tripped and

⁷⁴ Att. 64 at 28:11.

fell of his own volition. The introduction of this false detail served to conceal the fact that Sgt. Vitellaro had inappropriately used force on a person who had not resisted. This falsehood was also willful. After initially telling PRPD that he took ██████ down, Sgt. Vitellaro repeatedly told PRPD that ██████ fell, then went on to author official CPD reports intentionally repeating that untrue statement. Because Sgt. Vitellaro provided a willful, materially false report in the ISR and TRR regarding the force he used against ██████ Allegation 8 is **sustained** as a violation of CPD Rules 2, 3, 6, and 14.

Allegation 9 alleges that Sgt. Vitellaro provided false, misleading, incomplete and/or inaccurate information in the TRR and/or ISR about his justification for detaining ██████. As detailed above for Allegation 7, the evidence does not show that ██████ was preparing to abscond on ██████ bicycle. However, due to the multiple people and bicycles in the area, and Sgt. Vitellaro's heightened emotions, he may have misinterpreted what he saw and perceived that ██████ was in the process of leaving with ██████ bicycle. Because COPA cannot establish that Sgt. Vitellaro willfully provided a materially false statement, Allegation 9 is **not sustained**.

b. Lieutenants Timothy Weiglein and William McClelland III

Allegation 2 against Lt. McClelland, which alleges that he provided a false, misleading, and/or inaccurate report by denying that he had watched, or was otherwise aware of, a video of the incident at the time he reviewed Sgt. Vitellaro's TRR, is **not sustained**.

According to CPD policy, the lieutenant assigned to approve the TRR is to "determine if the member's use of force requires a notification to the Civilian Office of Police Accountability (COPA) to obtain a complaint log (CL) number. A notification to COPA is required for all incidents involving...the use of excessive force or an allegation of excessive force...and uses of force that may violate the law or Department policy."⁷⁵ CPD policy further requires that "[w]hen a supervisor receives any information from a Department member concerning misconduct or any misconduct-related information, the supervisor will ensure a complaint is initiated."⁷⁶ Additionally, CPD Rule 3 prohibits any failure to promote CPD's efforts to implement its policy or accomplish its goals.

Both Lts. McClelland and Weiglein denied to COPA that they had seen, or were aware of, ██████ cell phone video at the time they reviewed and/or approved Sgt. Vitellaro's CPD reports. Per the lieutenants, what Sgt. Vitellaro articulated in his CPD reports did not indicate misconduct, and there was no available evidence to suggest misconduct had occurred. As discussed above for Allegation 8, Sgt. Vitellaro mischaracterized the incident in both his TRR and ISR. Sgt. Vitellaro articulated that he used appropriate levels of force, based on how he described ██████ behavior. The reports also made no mention of video evidence. Further, Sgt. Vitellaro had not yet been

⁷⁵ Att. 37, G03-02-02(VI)(B)(2)(d).

⁷⁶ Att. 135, G08-01-02(IV)(C)(3), Complaint Initiation and Log Number Investigation Assignment (effective December 31, 2021 to present).

criminally charged at the time Lts. McClelland and Weiglein reviewed his TRR and/or ISR. The lieutenants related that they took Sgt. Vitellaro at his word that his actions did not rise to the level of misconduct. They also claimed they were not aware a video of the incident was available at the time they reviewed Sgt. Vitellaro's report(s).

Lt. McClelland's statements in his first COPA interview are contradicted by PRPD's supplemental report, which indicates that Sgt. Vitellaro had shown ██████ cell phone video to Lt. McClelland. However, Lt. McClelland denied to COPA that he was aware of the video when he approved the TRR. In his second interview, Lt. McClelland clarified that Sgt. Vitellaro did inform him a video existed, but the lieutenant asserted he was not aware the video was available for him to watch, and he reaffirmed that he did not view it until days after he reviewed the TRR. As stated in the credibility section above, the PRPD report does not name the lieutenant to whom Sgt. Vitellaro reportedly showed the video. More importantly, the report is a third-hand account based entirely on the words of Sgt. Vitellaro, whom COPA has determined has diminished credibility. As Sgt. Vitellaro declined to provide COPA with a statement, he could not be asked for clarification about what PRPD had reported, nor could COPA confirm to whom he had shown the video. While the BWC and Starbucks videos are clear that Sgt. Vitellaro had seen ██████ cell phone video, and had it available on his own phone while talking to PRPD, there is no evidence to confirm or refute that he showed the video to either Lt. McClelland or Lt. Weiglein. Because there is insufficient evidence to prove that either lieutenant knew of the existence of a viral video bringing discredit upon CPD, this allegation is **not sustained**.

Allegation 1 against Lts. Weiglein and McClelland alleges that they failed to obtain a complaint log number following a review of Sgt. Vitellaro's TRR. The discussion above also informs this allegation. Because there is insufficient evidence that either lieutenant falsely denied viewing the video, and due to Sgt. Vitellaro's dishonest reporting about what actually occurred, COPA lacks sufficient evidence to show that Lt. Weiglein or Lt. McClelland were aware of misconduct for which they should have obtained a complaint log number. Accordingly, Allegation 1 against Lt. Weiglein and Lt. McClelland is **not sustained**.

VI. DISCIPLINARY RECOMMENDATION

a. Sergeant Michael Vitellaro

i. Complimentary and Disciplinary History⁷⁷

Sgt. Vitellaro has received 75 various awards. His only disciplinary history in the previous five years is a SPAR for a weapons/ammunition violation that occurred in November 2022, for which he received a reprimand.

ii. Recommended Discipline

⁷⁷ Att. 147.

COPA has found that Sgt. Vitellaro violated CPD Rules 2, 3, 6, 8, 9, and 14 when he used excessive force to detain ██████ engaged in unnecessary verbal and physical altercations, used unbecoming language, and made multiple false reports regarding the incident. On scene, Sgt. Vitellaro provided one narrative about the force he employed against ██████. He then made contrary statements hours later both to the PRPD and to CPD in his TRR and ISR. The inability to trust the truth of Sgt. Vitellaro's statements goes directly to the core of his position as a police sergeant and undermines any future reports he might make. In addition, Sgt. Vitellaro's use of excessive force against a juvenile was so egregious that he was criminally charged with the felony offenses of aggravated battery and official misconduct. Sgt. Vitellaro's rank, position of authority, and 22 years of experience with CPD are further aggravating factors in imposing discipline. It is for these reasons, combined with Sgt. Vitellaro's complimentary and disciplinary history, that COPA recommends Sgt. Vitellaro be **separated from CPD**.

Approved:

█████ #13

Steffany Hreno
Director of Investigations

3/9/2023

Date

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████████████████████

3/10/2023

Matthew Haynam
Deputy Chief Administrator – Chief Investigator

Date

Appendix ACase Details

Date/Time/Location of Incident:	July 1, 2022 / 6:28 pm / Starbucks Coffee – 100 S. Northwest Highway, Park Ridge, IL
Date/Time of COPA Notification:	July 2, 2022 / 6:12 pm
Involved Member #1:	Sergeant Michael Vitellaro / Star #1957 / Employee ID # [REDACTED] / DOA: September 11, 2000 / Unit 376 (Alternate Response Section) / Male / White
Involved Member #2:	Lieutenant William McClelland III / Star #769 / Employee ID # [REDACTED] / DOA: May 6, 1996 / 18 th District / Male / White
Involved Member #3:	Lieutenant Timothy Weiglein / Star #217 / Employee ID # [REDACTED] / DOA: September 5, 1995 / 18 th District / Male / White
Involved Member #4:	Lieutenant Thomas Mason, Star #178 / Employee ID # [REDACTED] / DOA: May 31, 1994 / 18 th District / Male / White
Involved Individual #1:	[REDACTED] / DOB: [REDACTED] 2007 / Male / Hispanic

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.

Applicable Policies and Laws

- G02-01: Protection of Human Rights (effective June 30, 2022 to present).

- 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).
- G08-01-02: Complaint Initiation and Log Number Investigation Assignment (effective December 31, 2021 to present).
- 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.⁷⁸ 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.”⁷⁹

⁷⁸ 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).

⁷⁹ *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