



Log #2022-0003848

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

### I. EXECUTIVE SUMMARY

On September 8, 2022, the Civilian Office of Police Accountability (COPA) received a complaint letter alleging misconduct by a member of the Chicago Police Department (CPD). The complainant, ██████████ ██████████ (██████████ is currently incarcerated at the Big Sandy Federal Penitentiary in Inex, KY. All attempts to contact and interview ██████████ were unsuccessful. ██████████ alleged that on November 17, 2021, Police Officer Daniel A. Collins (Officer Collins) struck ██████████ on his side with his fist and kned him on his leg without justification. COPA also served allegations that Officer Collins engaged in misconduct by directing profanity at ██████████ failing to complete a Tactical Response Report (TRR) and failing to notify the Office of Emergency Management and Communication (OEMC) of a foot pursuit. Following its investigation, COPA reached both exonerated and sustained findings against Officer Collins.

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

On November 8, 2021, at 2:38 pm, at 6214 S. Austin Avenue, Officer Collins responded to an incident involving shots fired as reported by Shot Spotter. A description of the offending vehicle involved, along with its Illinois License Plate and the direction it fled, was provided. Officer Collins, along with other CPD Officers, quickly responded to the scene where the vehicle was last seen. Upon arrival, they observed the vehicle and witnessed five Black men fleeing on foot. The driver, identified as ██████████ was seen discarding a firearm as he fled.<sup>3</sup>

Officer Collins and other CPD Officers pursued the five individuals on foot. Officer Collin's Body Worn Camera (BWC)<sup>4</sup> footage captured the takedown of ██████████ as well as the officer attempting to handcuff him. In the video, Officer Collins is shown striking ██████████ on his side while trying to gain compliance. Additionally, the footage shows the officer's knee in an upright position as he assists ██████████ in turning over after handcuffing him.<sup>5</sup> The video further

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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 *[identify the most material and outcome-determinative evidence relied upon, such as BWC footage, ICC footage, third-party video, police reports, civilian interviews, officer interviews, etc.]*.

<sup>3</sup> Att. 2.

<sup>4</sup> Att. 10 at 1:24 to 2:05.

<sup>5</sup> Att. 10 at 2:06 to 6:22.

captured Officer Collins directing profanity and making comments such as "mother fucker,"<sup>6</sup> "what the fuck is wrong with you,"<sup>7</sup> "so the mother fucker can breathe,"<sup>8</sup> and "I've been laying on the ground with this mother fucker waiting."<sup>9</sup> Officer Collins arrested ██████████ and discovered a loaded firearm in the vicinity where ██████████ had discarded a firearm earlier. It was revealed that ██████████ did not possess a FOID Card. Later, ██████████ exercised his right to remain silent.<sup>10</sup>

COPA presented Officer Collins with 8 allegations regarding the incident. During his statement, Officer Collins stated "I asked for his hands, I wasn't getting compliance, and his hands were under his body. I reasonably believed he could be reaching for another weapon, so I delivered a stunning strike to his side to gain compliance to cuff his hands, which I did."<sup>11</sup> Officer Collins related that he did not use his knee to apply pressure to ██████████ body. Officer Collins explained that he rolled ██████████ onto his side without putting his knee forcefully on him, as ██████████ complained of circulation issues. Officer Collins emphasized that this action was to ensure ██████████ could breathe.<sup>12</sup> When questioned about the duration of keeping ██████████ on his side on the ground, Officer Collins mentioned it took several minutes to get a squad car.<sup>13</sup>

Officer Collins admitted to using the expletive "mother fucker," stating it was not part of his police training but a result of the stressful and chaotic situation.<sup>14</sup> He justified the use of the word to vent his frustration and emphasize the intensity of the moment, particularly due to ██████████ actions and potentially endangering other officers and the community.<sup>15</sup> Regarding using similar language in the future, Officer Collins expressed uncertainty, citing it as a question for the future. He acknowledged the need to make better statements moving forward but did not commit to completely refraining from swearing in similar situations.<sup>16</sup>

Officer Collins stated that he is knowledgeable about the policies governing the submission of Tactical Response Report (TRR)<sup>17</sup> and the requirement to contact Office of Emergency Management and Communications (OEMC) during a foot pursuit when it is safe to do so.<sup>18</sup> However, the officer did not follow these protocols.

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<sup>6</sup> Att. 10 at 2:06.

<sup>7</sup> Att. 10 at 2:07.

<sup>8</sup> Att. 10 at 6:14 to 6:15.

<sup>9</sup> Att. 10, at 9:02 to 9:04.

<sup>10</sup> Att. 2, pg. 2.

<sup>11</sup> Att. 25, pg. 21, lns. 14 to 18.

<sup>12</sup> Att. 25, pg. 26, lns. 1 to 8.

<sup>13</sup> Att. 25, pg. 27, lns. 3 to 6.

<sup>14</sup> Att. 25, pg. 29, lns. 1 to 10.

<sup>15</sup> Att. 25, pg. 30, lns. 1 to 7.

<sup>16</sup> Att. 25, pg. 45, lns. 12 to 24.

<sup>17</sup> Att. 25, pg. 42, pg. 42, ln. 24 and pg. 43, lns. 1 to 12.

<sup>18</sup> Att. 25, pg. 43, lns. 13 to 24, and pg. 44, ln.1.

### III. ALLEGATIONS

#### Officer Daniel A. Collins:

1. Committed misconduct by Striking [REDACTED] on or about his side with his fist without justification.  
-Exonerated
2. Committed misconduct by Kneeing [REDACTED] on or about his leg with his knee without justification.  
-Exonerated
3. Referred to [REDACTED] as a “mother fucker.”  
-Sustained - Rules 2, 3, 8, and 9.
4. Stated to [REDACTED] “What the fuck is wrong with you.”  
- Sustained - Rules 2, 3, 8, and 9.
5. Stated to [REDACTED] “So the mother fucker can breathe.”  
- Sustained - Rules 2, 3, 8, and 9.
6. Stated to [REDACTED] “I’ve been laying on the ground with this mother fucker waiting.”  
- Sustained - Rules 2, 3, 8, and 9.
7. Failed to complete a Tactical Response Repot (TRR)  
-Sustained - Rules 3, 5, 6 and 10.
8. Failed to notify the Office of Emergency Management and Communication (OEMC) of a foot pursuit.  
-Sustained - Rules 3, 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. Officer Collins admitted to the allegations, although he believed his actions were justified.

### V. ANALYSIS<sup>19</sup>

#### a. Officer Collins struck and kneed [REDACTED]

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<sup>19</sup> For a definition of COPA’s findings and standards of proof, *see* Appendix B.

COPA finds Allegations 1 and 2 against Officer Collins to be **Exonerated**. [REDACTED] decision to discard his weapon and flee from the police made him an assailant. It also suggests a potentially dangerous situation that requires immediate and decisive action by law enforcement. Officer Collin's BWC shows him performing a takedown of [REDACTED] Officer Collins admitted to striking and using his knee to secure compliance and to prevent [REDACTED] from reaching for any weapons while Officer Collins was attempting to handcuff [REDACTED]

Police Officers are authorized to use force, including physical force, in certain circumstances to protect themselves and others, prevent the escape of a suspect, and maintain public safety. The amount of force used by Officer Collins appeared to be proportionate to the threat posed and necessary to achieve a legitimate law enforcement objective. Therefore, COPA finds the allegations against Officer Collins to be **Exonerated**.

**b. Officer Collins directed profanity.**

COPA finds Allegations 3 thru 6 against Officer Collins to be **Sustained**. Officer Collins admitted he used profanity toward [REDACTED] by calling him a "mother fucker", asking him "What the fuck is wrong with you", and stated words toward [REDACTED] "So the mother fucker can breathe" and "I've been laying on the ground with this mother fucker waiting." Officer Collin's BWC captures him using explicit language towards [REDACTED] Officer Collins explained the scene was chaotic and mentioned that he had been waiting for other officers to bring a car for [REDACTED] However, the circumstances did not warrant Officer Collins to use profanity toward [REDACTED] to gain compliance. Officer Collin's language was disrespectful and unacceptable under any circumstances and did not adhere to the goals of CPD, in violation of Rule 9. Therefore, COPA finds the allegations against Officer Collins to be **Sustained**.

**c. Officer Collins failed to complete a TRR.**

COPA finds Allegation 7 against Officer Collins to be **Sustained**. Officer Collins clearly violated department policy by failing to complete a TRR following the incident. TRRs are essential for documenting the actions taken by officers during high-stress situations and are crucial for ensuring transparency and accountability in law enforcement operations. By neglecting to file a report, Officer Collins not only disregarded protocol but also hindered the department's ability to review and learn from the incident. This oversight raises concerns about Officer Collins's adherence to departmental guidelines and highlights the importance of thorough documentation in police work.

**d. Officer Collins failed to notify OEMC of a Foot Pursuit.**

COPA finds Allegation 8 against Officer Collins to be **Sustained**. The failure of Officer Collins to notify OEMC of a foot pursuit directly violates the CPD General Order 3-07.<sup>20</sup>

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<sup>20</sup> Att. 30.

According to the department's policy, officers are required to notify the OEMC of all pursuits to ensure proper coordination, communication, and oversight of the operation. By neglecting to inform the OEMC of the foot pursuit, Officer Collins not only disregarded established protocol but also jeopardized the safety of other officers involved and the public. This breach in procedure underscores the importance of clear communication and adherence to departmental guidelines in ensuring the effective and safe execution of police operations.

**e. DISCIPLINARY RECOMMENDATION**

**a. Police Officer, Daniel A. Collins**

**i. Complimentary and Disciplinary History<sup>21</sup>**

Officer Collins has received a total of 85 awards, including one Crime Reduction Award, one Complimentary Letter, four Department Commendation, two Emblem of Recognition-Physical Fitness, 74 Honorable Mention, one Honorable Mention Ribbon Award, one Recognition/Outside Governmental Agency Award and one Superintendent’s Honorable Mention. He has had no sustained disciplinary history in the last five years.

**ii. Recommended Discipline**

In mitigation, COPA will consider Officer Collins’ complimentary history, and this was forthcoming in his interview and admitted to using the language in the allegations. Officer Collins failed to notify OEMC of the foot pursuit and did not complete a TRR for the force used on ██████████ COPA recommends a **Reprimand** for the penalty.

Approved:



3-7-2024

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Angela Hearts-Glass  
*Deputy Chief Administrator – Chief Investigator*

\_\_\_\_\_  
Date

<sup>21</sup> Att., 24, Complimentary and Disciplinary History.

**Appendix A**

**Case Details**

Date/Time/Location of Incident:	November 17,2021, 2:38 p.m., 6214 S. Austin Ave
Date/Time of COPA Notification:	September 8, 2022, 4:23 p.m.
Involved Member #1:	Daniel A. Collins, Star #5869, Employee ID# [REDACTED] Date of Appointment, April 16, 2018, Unit of Assignment 008, Male, White
Involved Member #2:	
Involved Individual #1:	[REDACTED] Male, Black or African American
Involved Individual #2:	

**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**

- G01-01: Vision, Mission Statement and Core Values (effective May 21, 2019, to present)
- G02-01 III (B), *Human Rights and Resources* (effective October 15, 2017, to current); G02-041 II (C), *Prohibition Regarding Racial Profiling and Other Bias Based Policing* (effective December 1, 2017, to current).
- G03 –02: De-Escalation Response to Resistance, and Use of Force (effective April 15, 2021)

- G08-01-05: Department Member Bill of Rights (effective June 13, 2022, to present)
- G03-02-02 -Incidents Requiring the Completion of a Tactical Response Report (effective April 15, 2021)
- G03-07- Foot Pursuits (effective May 26, 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.<sup>22</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>23</sup>

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<sup>22</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>23</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