



Log # 2022-4434

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

### I. EXECUTIVE SUMMARY

COPA received an Initiation Report from the Chicago Police Department (CPD) on October 17, 2022 for this Taser discharge incident. [REDACTED] was arrested in connection with a break-in at an apartment building and was Tasered during his arrest. Upon review of the evidence, COPA served an allegation against Officer Daniel Blackman for the Taser use. Following its investigation, COPA reached an **Exonerated** finding for the Taser use.

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

On the evening of October 16, 2022, Officers Daniel Blackman and Jesus Delgado responded to a call of criminal damage to property in progress at an apartment building located at [REDACTED]. The offender was described as Black male wearing a yellow jacket carrying a large stick.<sup>3</sup> When they arrived, Officers Blackman and Delgado spoke to the building custodial engineer and another witness in the lobby, and were told that the offender broke into the building's office by shattering the window partition on the door of the office, and he then went inside and damaged office furniture, computers, and equipment.<sup>4</sup> While talking to the witnesses, a Black male (now known to be [REDACTED]) emerged wearing a yellow jacket and carrying a broomstick.<sup>5</sup> [REDACTED] admitted that he "did it."<sup>6</sup>

Officers Blackman and Delgado then tried to stop [REDACTED].<sup>7</sup> [REDACTED] entered the vestibule between the entrance doors of the lobby and began to exit out into the street.<sup>8</sup> The officers yelled for [REDACTED] to put the stick down.<sup>9</sup> Officer Delgado grabbed the stick with one hand and successfully pulled it away from [REDACTED].<sup>10</sup> At the same time, Officer Delgado tried to grab [REDACTED] hand but [REDACTED] flicked Officer Delgado's hand away.<sup>11</sup> Officer Blackman

<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 BWC footage, CPD reports, and officer interviews.

<sup>3</sup>Att. 3 pg. 3 (Original Case Incident Report).

<sup>4</sup>Att. 3 pg. 3.

<sup>5</sup>Att. 2 pg. 4; Atts. 6 and 19 at 21:28:55 (Blackman and Delgado BWC).

<sup>6</sup>Att. 33, pg. 6.

<sup>7</sup>Att. 6 at 21:28:59 (Blackman BWC).

<sup>8</sup>Att. 6 at 21:29:00.

<sup>9</sup>Att. 6 at 21:29:02.

<sup>10</sup>Att. 19 at 21:29:03.

<sup>11</sup>Att. Att. 19 at 21:29:03.

grabbed for [REDACTED] hand, and [REDACTED] responded by grabbing Officer Blackman's hand.<sup>12</sup> [REDACTED] with his right hand clenched, stated, "get the fuck off me."<sup>13</sup> [REDACTED] then raised his elbow in a threatening manner.<sup>14</sup>

Officer Blackman warned [REDACTED] he would be Tased if he did not comply, but [REDACTED] proceeded to exit the building.<sup>15</sup> Officer Blackman announced that he was going to Taser [REDACTED] and then deployed his Taser, but it had no effect on [REDACTED].<sup>16</sup> Officer Blackman followed [REDACTED] outside the building, announced a second Taser deployment, and deployed his Taser a second time.<sup>17</sup> This Taser deployment was effective in that it caused [REDACTED] to get down on one knee and comply with the order of Officer Blackman to get on the ground. [REDACTED] was then taken into custody for criminal damage to property and resisting arrest.

An ambulance was called for [REDACTED] and he was transported to Weiss Hospital; he had no apparent injuries.<sup>18</sup> [REDACTED] was subsequently charged with felony criminal damage to property for this incident, and for two similar incidents perpetrated about ten days prior, involving the same building and another building related to the same property management company.<sup>19</sup>

[REDACTED] plead guilty on January 9, 2024, to criminal damage to property as to all three incidents.<sup>20</sup>

Officer Blackman completed a Tactical Response Report (TRR) for this incident which was reviewed by Lieutenant Kevin Kendzior and referred to COPA for further investigation.<sup>21</sup> In his TRR, Officer Blackman said he and Officer Delgado responded to a call of a Black male wearing a yellow coat, carrying a broomstick, and causing damage to property.<sup>22</sup> Officer Blackman's TRR documents essentially the same thing which has already been described. The reviewing lieutenant found the Taser usage "not in compliance" noting that the officers did not announce their office or the reason for the stop, and characterized [REDACTED] as a passive resister.<sup>23</sup>

In his statement, Officer Blackman said he and his partner were dispatched by OEMC to this location and were aware of previous criminal damage to property incidents in the same area

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<sup>12</sup> Att. 19 at 21:29:05.

<sup>13</sup> Att. 19 at 21:29:05.

<sup>14</sup> Att. 19 at 21:29:08.

<sup>15</sup> Att. 6 at 21:29:08.

<sup>16</sup> Atts. 6 and 19 at 21:29:10.

<sup>17</sup> Att. 2 pg. 4; Atts 6 and 19 at 21:29:15; Att. 25 pgs. 12-13.

<sup>18</sup> Att. 37 pg. 2 (ambulance run sheet); Att. 33 pg. 7 (Case Supplementary Report).

<sup>19</sup> Att. 33 Pg. 7-9.

<sup>20</sup> Att. 33 pgs. 7-9 and Atts. 30-32 (Cook County Register of Actions).

<sup>21</sup> Att. 22 pg. 3 (Blackman TRR)

<sup>22</sup> Att. 22 pg. 2.

<sup>23</sup> Att. 18. Pg. 2 (Initiation Report); Att. 22 pg. 6.

similar to this one.<sup>24</sup> He said they had received information from the district several days earlier to be on the lookout for a suspect who had committed criminal damage to property in apartment buildings owned by the same management company.<sup>25</sup> Officer Delgado also said they were aware of previous criminal damage to property cases in buildings owned by the same management company done by a suspect with the same modus operandi.<sup>26</sup>

Upon arrival, Officer Blackman said they spoke to witnesses in the lobby and identified [REDACTED] as the suspect.<sup>27</sup> They tried to stop [REDACTED] and Officer Delgado got the broomstick away from [REDACTED] since it could have been used as a weapon against them.<sup>28</sup> Officer Blackman said he tried to grab [REDACTED] to detain him but [REDACTED] pulled away.<sup>29</sup> Officer Blackman characterized [REDACTED] as an active resister who they knew had committed a felony.<sup>30</sup>

### III. ALLEGATIONS

#### **Officer Daniel Blackman:**

1. Deployed his Taser at [REDACTED] in violation of G03-02-04.
  - Exonerated

### 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.

This investigation did not reveal any evidence that caused COPA to question the credibility of Officers Daniel Blackman or Jesus Delgado.

### V. ANALYSIS<sup>31</sup>

- a. **Allegation 1 against Officer Daniel Blackman** – Deployed his Taser at [REDACTED] in violation of G03-02-04.

General Order G03-02-04, Taser Use Incidents, governs the use of Tasers in conjunction with G03-02, De-escalation, Response to Resistance, and Use of Force, and G03-02-01, Response

<sup>24</sup> Att. 25 pg. 7 (Blackman transcribed statement).

<sup>25</sup> Att. 25 pg. 23.

<sup>26</sup> Att. 27 pg. 7 (Delgado transcribed statement).

<sup>27</sup> Att. 25 pg. 9.

<sup>28</sup> Att. 25 pgs. 10-11.

<sup>29</sup> Att. 25 pg. 11.

<sup>30</sup> Att. 25 pgs. 10-11 and pg. 15.

<sup>31</sup> For a definition of COPA's findings and standards of proof, *see* Appendix B.

to Resistance and Force Options. The use of a Taser is permitted on subjects who are active resisters that are either armed, violent, have committed a felony, or a serious misdemeanor offense. Taser use is also permitted on subjects who are assailants. Department members will balance the risks and benefits of a Taser discharge before use. Additionally, the use of a Taser must be “objectively reasonable, necessary, and proportional to the threat, actions, and level of resistance offered by a subject, under the totality of the circumstances.”<sup>32</sup> Officers should also weigh other factors before deploying a Taser, including whether the subject is in an unstable position, elevated above the ground, could fall on a sharp object, is restrained, may have impaired reflexes, is running or in motion, is located in water, or operating any mode of transportation, like a bicycle.<sup>33</sup>

In this case, Officers Blackman and Delgado identified ██████████ as the suspect and tried to stop him, as detailed earlier. Officer Blackman said in his statement to COPA that it was apparent upon their arrival at the scene that he and Officer Delgado were dealing with felony criminal damage to property based on what they observed and being aware of other similar cases involving the same offender.<sup>34</sup> Officer Blackman considered multiple factors in deciding to use a Taser against ██████████. Officer Blackman considered that ██████████ was a violent offender in that he broke into the office and smashed equipment using a broomstick; that Officer Blackman wanted to avoid using oleoresin capsicum (OC) spray in an enclosed space; and he wanted to avoid a hands-on physical struggle with ██████████.<sup>35</sup> Taking those things into account, Officer Blackman made the decision to use the Taser.

When deploying his Taser, Officer Blackman made the requisite verbal warnings and aimed for ██████████ back, which is the recommended location.<sup>36</sup> Once ██████████ was Tasered the first time and it was apparent it was ineffective, Officer Blackman made the decision to Taser him again. He gave the verbal warnings again and aimed for ██████████ back, this time it worked to gain compliance from ██████████.<sup>37</sup> Once ██████████ was handcuffed, Officer Blackman made the requisite notifications for a Taser deployment and an ambulance was called per regulations.<sup>38</sup>

In this case, Officer Blackman followed regulations, considered alternatives, and had justifiable reasons to deploy his Taser. Based on the available evidence, ██████████ was an active resister, not a passive resister, due to his actions of ignoring the officers’ directions to drop the broomstick, walking away from the officers, swatting Officer Delgado’s hand away, and physically avoiding the officers’ control. Also, it was apparent ██████████ knew the officers were trying to stop him since he admitted to committing the crime and resisted their physical control and verbal directions to drop the broomstick.

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<sup>32</sup> G03-02-04, Taser Use Incidents (effective April 15, 2021 – June 28, 2023).

<sup>33</sup> G03-02-04, Taser Use Incidents, II. E.

<sup>34</sup> Att. 25 pgs. 15-16 and pg. 23.

<sup>35</sup> Att. 25 pg. 19.

<sup>36</sup> G03-02-04, Taser Use Incidents, III. B.

<sup>37</sup> Atts. 6 and 19 at 21:29:15.

<sup>38</sup> G03-02-04, Taser Use Incidents, IV. A.

Based on the foregoing, COPA finds **Allegation 1** against Officer Daniel Blackman is **Exonerated.**



4-11-2024

Angela Hearts-Glass  
Deputy Chief Administrator – Chief Investigator

Date

**Appendix A**

**Case Details**

|                                 |   |
|---------------------------------|---|
| Date/Time/Location of Incident: | October 16, 2022 / 9:29 pm / [REDACTED]   |
| Date/Time of COPA Notification: | October 17, 2022 / 3:44 am  |
| Involved Member #1:             | Daniel Blackman / Star #7954 / Employee ID [REDACTED] / Date of Appointment: August 27, 2007 / 20th District / White male   |
| Involved Member #2:             | Jesus Delgado / Star #10720 / Employee ID [REDACTED] / Date of Appointment: October 5, 2012 / 20th District / Hispanic Male |
| Involved Individual #1          | [REDACTED] / 29 years old / Black male  |

**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 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 11:** Incompetency or inefficiency in the performance of duty.

**Applicable Policies and Laws**

G03-02 De-escalation, Response to Resistance, and Use of Force, *effective 4-15-21 to 6-28-23*  
 G03-02-01 Response to Resistance and Force Options, *effective 4-15-21 to 6-28-23*  
 G03-02-04 Taser Use Incidents, *effective 4-15-21 to 6-28-23*

## 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>39</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>40</sup>

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<sup>39</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>40</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