



Log # 2022-0004236

FINAL SUMMARY REPORT¹

I. EXECUTIVE SUMMARY

On October 3, 2022, the Civilian Office of Police Accountability (COPA) received a complaint that stemmed from a lawsuit² filed by █████ █████ against members of the Chicago Police Department (CPD).³ The lawsuit alleged that on October 1, 2020, Officer Curtis Weathersby used excessive force during his arrest, and Officers Jeremy Mason and Levon London failed to intervene.⁴ Upon review of the evidence, COPA served several allegations to Officer Weathersby that he failed to timely activate his body worn camera (BWC), struck █████ multiple times in the face area, failed to use de-escalation tactics, stopped █████ without justification, and was verbally abusive to █████ COPA served the following allegations to Officer Mason that he failed to timely activate his BWC and stopped █████ without justification. Following its investigation, COPA reached Sustained findings for both officers for late BWC. COPA also reached Sustained findings against Officer Weathersby for striking █████ without justification, failing to use de-escalation tactics, and verbally abusing █████

II. SUMMARY OF EVIDENCE⁵

On October 1, 2020, Officer Weathersby was partnered with Officer Mason, and they were looking for a wanted offender who frequented the location of the incident.⁶ Officers Weathersby and Mason arrived at the location of the incident and initially walked over to a white Saturn.⁷ Officer Weathersby then walked over to a white Toyota parked in the same lot and spoke with the occupants of that vehicle for several minutes.⁸ Officer Weathersby then returned to the white Saturn and asked another officer if the vehicle had a plate.⁹ Officer Weathersby walked around the white Saturn and stood by the passenger side for several minutes before opening the passenger

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- Civil Suit, Case # 22-CV-4809.

³ 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.

⁴ Att. 34 —Dismissal of Claims: █████ is no longer pursuing his false arrest, due process, and Monell claims; the only remaining claims are for excessive force and failure to intervene.

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 body worn camera footage, officer statements and police reports.

⁶ Att. 43- Officer Weathersby's transcript, pg. 10, lns. 8 – 11, pg. 11, lns. 1 – 3.

⁷ Att. 3- Officer Weathersby BWC, 00:46 to 1:00. Final Summary Report | Version 1.0 | 02/01/2023

⁸ Att. 3- 1:01 to 06:15.

⁹ Att. 3- 6:16 to 06:20.

side door and asking █████ who was in the passenger seat, to step out of the vehicle.¹⁰ Officer Weathersby mentioned that the occupants had open alcohol in the vehicle;¹¹ █████ stated that they were not driving and that Officer Weathersby could not pull him out of the vehicle.¹² Officer Weathersby told █████ to “get out the fucking car,” and █████ continued to refuse.¹³ Officer Weathersby grabbed █████ by his wrist and escorted him out of the vehicle while another officer placed one handcuff on █████ arm.¹⁴

█████ subsequently complied and exited the vehicle.¹⁵ As Officer Weathersby attempted to place the second handcuff on █████ he continued to resist and then punched Officer Weathersby in the face.¹⁶ █████ attempted to flee from Officer Weathersby, but Officer Weathersby maintained a grip on █████ and Officer Weathersby struggled.¹⁷ During the struggle, Officer Weathersby’s BWC was knocked off, but Officer Weathersby could be heard telling █████ to “get on the ground motherfucker.”¹⁸ While on the ground, Officer Weathersby struck █████ several times in the head area.¹⁹ Officer Sims assisted with holding █████ down as Officer Weathersby handcuffed him.²⁰ █████ continued to argue with Officer Weathersby and commented that Officer Weathersby struck him in the eye. Officer Weathersby responded by stating, “Good motherfucker.”²¹

COPA interviewed both Officers Weathersby²² and Mason.²³ According to Officer Weathersby, on the date of the incident, he observed the white Saturn with no registration plates.²⁴ █████ was a passenger in the Saturn, and he observed open alcohol in the vehicle and a cup in the front seat with alcohol in it.²⁵ Officer Weathersby ordered █████ to exit the vehicle, but █████ refused, which, according to Officer Weathersby, made him a passive resister.²⁶ Officer Weathersby stated that he did not use any force at this time, which he could have, and ordered █████ out of the vehicle again in a stern voice.²⁷ █████ attempted to close the vehicle door on Officer Weathersby, which made him an active resister. At that point, Officer Weathersby placed █████ in a wrist lock, which was less force than what he could have used.²⁸ After █████ was

¹⁰ Att. 3- 6:40 to 9:27.

¹¹ An open bottle of Hennessey can be seen in the vehicle, Att. 3- 09:22 to 09:24.

¹² Att. 3- 9:30 to 9:40.

¹³ Att. 3- 9:40 to 9:45.

¹⁴ Att. 3- 9:45 to 9:54.

¹⁵ Att. 3- 9:53 to 10:00.

¹⁶ Att. 3- 10:03 to 10:12.

¹⁷ Att. 3- 10:13 to 10:17.

¹⁸ Att. 3- 10:17 to 10:20.

¹⁹ Att. 2- Officer Sims BWC, 11:45 to 11:50.

²⁰ Att. 2- 11:51 to 12:06.

²¹ Att. 2- 12:05 to 12:08.

²² Att. 38- Officer Weathersby’s interview.

²³ Att. 39- Officer Mason’s interview.

²⁴ Att. 43- Transcript of Officer Weathersby’s interview, pg. 12, lns. 6 – 13.

²⁵ Att. 43- pg. 13, lns. 4 – 10.

²⁶ Att. 43- pg. 13, lns. 11 – 14.

²⁷ Att. 43- pg. 13, lns. 15 – 20.

²⁸ Att. 43- pg. 13, lns. 21 – 24, pg. 14, lns. 1 – 9.

outside the vehicle, he continued to pull away from Officer Weathersby and struck Officer Weathersby in the face.²⁹ After being struck, Officer Weathersby struck ██████ once in the eye area.³⁰ ██████ struck Officer Weathersby several more times, with the strikes landing in Officer Weathersby's body area.³¹ Officer Weathersby struck ██████ several more times in his arm area while he was on the ground.³² According to Officer Weathersby, while ██████ was on the ground, he continued to give ██████ verbal commands to turn around, but ██████ did not follow the verbal commands.³³ ██████ was dead weight and lying on his left hand, while Officer Weathersby continued to strike him in his right arm to get ██████ to give him both arms so that he could handcuff him.³⁴

Officer Weathersby admitted that he stated words of the effect of "get out the fuckin car," "get on the ground motherfucker," and "good motherfucker," but denied that he was being verbally abusive when making those statements.³⁵ According to Officer Weathersby, the language was used in the heat of the moment, was not a regular interaction, and was a traumatic experience because he was involved in a fight with ██████.³⁶ Officer Weathersby admitted that he failed to activate his BWC in a timely manner.³⁷ Officer Weathersby was unaware that he did not activate his BWC initially, but once he realized it was not activated, he activated it, and it was activated well before interacting with ██████.³⁸

According to Officer Mason, ██████ was stopped because he was drinking open alcohol in the vehicle.³⁹ He could also smell burnt cannabis coming from the vehicle, and the vehicle did not have any registration on it.⁴⁰ Officer Mason attempted to activate his BWC when getting out of the vehicle but did not tap it hard enough. Officer Mason stated that he activated his BWC during the conversation with ██████ when he noticed it was not activated.⁴¹

██████ and Officer Weathersby were both subsequently interviewed by detectives regarding the incident.⁴² According to the case supplementary report, ██████ admitted that he was inside the vehicle drinking a cup of Hennessy liquor while his girlfriend was smoking marijuana. Officers approached the vehicle, asked if they had anything illegal in it, and then ran their names. Approximately ten minutes later, Officer Weathersby opened the vehicle door and asked ██████ to step out. ██████ refused to step out, but the officer pulled him out. ██████ related that he put his

²⁹ Att. 43- pg. 15, lns. 14 – 16.

³⁰ Att. 43- pg. 15, lns. 18 – 23, pg. 22, lns. 5 – 7.

³¹ Att. 43- pg. 15, lns. 16 – 18, pg. 18, lns. 14 – 24.

³² Att. 43- pg. 21, lns. 17 – 24, pg. 22, lns. 1 – 4.

³³ Att. 43- pg. 36, lns. 13 – 17.

³⁴ Att. 43- pg. 36, lns. 17 – 21.

³⁵ Att. 43- pg. 47, lns. 8 – 13.

³⁶ Att. 43- pg. 38, lns. 8 – 21.

³⁷ Att. 43- pg. 46, lns. 17 – 20.

³⁸ Att. 43- pg. 45, lns. 14 – 23.

³⁹ Att. 42- Transcript for Officer Mason, pg. 12, lns. 16 – 19.

⁴⁰ Att. 42- pg. 12, lns. 18 – 21.

⁴¹ Att. 42- pg. 16, lns. 16 – 21.

⁴² Att. 6- Case supplementary report.

hands on the vehicle, but when he observed people running, he also attempted to run. According to ██████ Officer Weathersby grabbed his sweater and punched him in the eye. ██████ stated Officer Weathersby threw him to the ground and struck him two times in the eye. ██████ denied hitting Officer Weathersby.

Officer Weathersby's account of the events to Detectives was similar to ██████. However, Officer Weathersby added that ██████ hit him in the left eye and then attempted to run away. Officer Weathersby related that he performed an emergency takedown and multiple closed fist strikes to ██████ face to gain control. Officer Weathersby also completed a TRR regarding the force he used.⁴³ A Chicago Fire Department (CFD) Ambulance Report⁴⁴ documented that ██████ complained of head pain and left eye swelling due to being punched in the face twice. Evidence Technician (ET) photograph of ██████ depicted his eye swollen shut and abrasions on his knee.⁴⁵ According to ██████ Arrest Report,⁴⁶ he was charged with possession of a controlled substance and aggravated battery to a peace officer.

III. ALLEGATIONS

Officer Curtis Weathersby:

1. Failed to timely activate his body-worn camera in violation of S03-14.
 - Sustained, Violation of Rules 2, 3, 5, 6, and 10.
2. Struck ██████ multiple times in the face area, without justification.
 - Sustained, Violation of Rules 2, 3, 5, 6, 8, 9, and 10.
3. Failed to use de-escalation tactics when interacting with ██████
 - Sustained, Violation of Rules 2, 3, 5, 6, 8, 9, and 10.
4. Stopped ██████ without justification.
 - Exonerated
5. Was verbally abusive to ██████ by stating words to the effect of "get out the fuckin car" and/or "get on the ground motherfucker" and/or "good motherfucker."
 - Sustained, Violation of Rules 2, 3, 6, and 8.

Officer Jeremy Mason:

1. Failed to timely activate his body-worn camera in violation of S03-14.
 - Sustained, Violation of Rules 2, 3, 5, 6, and 10.
2. Stopped ██████ without justification.
 - Exonerated

⁴³ Att. 10- Officer Weathersby's TRR- Officer Weathersby stated when ██████ fell to the ground, he began to conduct a series of direct mechanical strikes to ██████ delivery system on the right side of his body in the area of ██████ upper arm and forearm with a closed fist until ██████ finally relinquished his hands.

⁴⁴ Att. 47.

⁴⁵ Att. 37- ET photos.

⁴⁶ Att. 4.

IV. CREDIBILITY ASSESSMENT

This investigation did not reveal any evidence that caused COPA to doubt the credibility of any of the individuals who provided statements.

V. ANALYSIS⁴⁷

COPA finds the BWC allegation against Officers Weathersby and Mason, **Sustained**. Special Order S03-14 requires the Department Member to activate their BWCs to event mode at the beginning of an incident, and that they record the entire incident for all law enforcement related activities.⁴⁸ In this instance, both officers admitted to starting their BWCs late. According to Officer Weathersby, he was unaware that he did not activate his camera initially, but once he realized it was not activated, he activated it. Officer Mason attempted to activate his camera while exiting the vehicle but did not tap it hard enough. Officer Mason subsequently activated his BWC when he noticed it was not activated. Although both officers gave reasons why their BWCs were not activated timely, none of those reasons are exceptions to the requirement to activate their BWCs at the start of the event. Therefore, COPA finds this allegation Sustained against both officers in violation of Rules 2, 3, 5, 6, and 10.

COPA finds the allegation of stopping ██████████ without justification against Officers Weathersby and Mason, **Exonerated**. Under Special Order, S04-13-09, an Investigatory Stop is the temporary detention and questioning of a person in the vicinity where the person was stopped based on reasonable articulable suspicion that the person is committing, is about to commit, or has committed a criminal offense.⁴⁹ In this case, officers initially approached the white Saturn because the vehicle had no front license plate. Once officers approached the vehicle, they smelled burnt cannabis and observed open alcohol in the vehicle along with a cup of alcohol. ██████████ admitted to detectives that he was inside the vehicle drinking Hennessy liquor, and his girlfriend was smoking marijuana.

Under the Chicago Municipal Code 8-4-030(a)(1), it shall be unlawful for any person to drink any alcoholic liquor as defined by law on any public way or in or about any motor vehicle upon a public way in the city.⁵⁰ Section (a)(2) states it shall be unlawful for any person to transport, carry, possess or have any alcoholic liquor in or upon or about any motor vehicle upon any public way in the city except: (1) in the original package and with the seal unbroken or (2) in a package properly sealed, bagged and receipted pursuant to section 6-33 of the Liquor Control Act of 1934. Given the officers' observations of the open alcohol inside the vehicle and ██████████ admission of drinking Hennessy in the vehicle, COPA finds that the officers were justified in stopping ██████████ so the allegation against both officers is Exonerated.

⁴⁷ For a definition of COPA's findings and standards of proof, *see* Appendix B.

⁴⁸ Att. 45- Special Order S03-14(III)(A)(2).

⁴⁹ Att. 46- Special Order S04-13-09(II)(A).

⁵⁰ Att. 51- Chicago Municipal Code 8-4-030.

COPA finds the allegation against Officer Weathersby that he struck █████ multiple times in the face area without justification, **Sustained**. General Order 03-02-01 requires department members' use of force to be objectively reasonable, necessary and proportional to the threat, actions, and level of resistance offered by a subject, under the totality of the circumstances.⁵¹ In this case, █████ level of resistance changed throughout the encounter. █████ was initially deemed a passive resister when he did not exit the vehicle. However, after █████ exited the vehicle, he became an active resister because he attempted to defeat arrest. █████ then turned into an assailant when he punched Officer Weathersby and attempted to fight him to defeat arrest. Subsequently, █████ became a passive resister when he and Officer Weathersby were on the ground. BWC showed █████ as a passive resister while lying on the ground and not providing his arms.

Officer Weathersby stated that █████ was an active resister because █████ was lying on his left hand and being dead weight. Officer Weathersby stated that he responded by striking █████ in the arm area while he was on the ground. However, according to the Case Supplementary Report, Officer Weathersby told detectives that he struck █████ in the face area multiple times to gain compliance, which differs from his TRR and his statement to COPA. BWC footage from Officer Sims depicted Officer Weathersby striking █████ multiple times in the face area while he was on the ground, not moving. Under the general order, closed-hand strikes are not approved for use on a passive resister. As such, COPA finds this allegation Sustained against Officer Weathersby in violation of Rules 2, 3, 5, 6, 8, 9, and 10.

COPA finds the allegation against Weathersby regarding failure to use de-escalation tactics while interacting with █████ **Sustained**. Under General Order G03-02-01, Department Members are required to use de-escalation techniques to prevent or reduce the need for force when it is safe and feasible to do so based on the totality of the circumstances.⁵² This includes continually assessing the situation and modifying the use of force as circumstances change and in ways that are consistent with officer safety, including stopping the use of force when it is no longer necessary.⁵³ According to Officer Weathersby, he used de-escalation tactics several times during his interaction with █████. When Officer Weathersby first ordered █████ out of the vehicle, █████ refused and was thus deemed a passive resister. Instead of using force, Officer Weathersby ordered █████ to exit the vehicle in a sterner voice. █████ refused to exit the vehicle after being ordered again, so Officer Weathersby used the least amount of force by placing █████ in a wrist lock.

However, COPA disagreed with Officer Weathersby's assessment. While Officer Weathersby asked █████ a second time to exit the vehicle before placing his hand into a wrist lock, Officer Weathersby also used profanity to ask him out of the vehicle, which escalated the encounter. Further, the general order requires that an officer stop using force when it is no longer necessary. COPA finds that Officer Weathersby did not do this. When █████ was on the ground,

⁵¹ Att. 44- General Order G03-02-01(II)(C).

⁵² Att. 44- General Order G03-02-01(II)(B).

⁵³ Att. 44- General Order G03-02-01(II)(B).

Officer Weathersby continued to punch ██████ while he was no longer actively resisting. As such, COPA finds this allegation Sustained in violation of Rules 2, 3, 5, 6, 8, 9 and 10.

COPA finds the allegation that Officer Weathersby verbally abused ██████ **Sustained**. General Order G02-01 Human Rights and Human Resources sets forth Department policy, procedures, and guidelines governing the human rights of all individuals.⁵⁴ In addition to respect for those human rights prescribed by law, Department members will treat all persons with courtesy and dignity which is inherently due every person as a human being.⁵⁵ Department members will act, speak and conduct themselves in a professional manner, recognizing their obligation to safeguard life and property, and maintain a courteous, professional attitude in all contacts with the public.⁵⁶ Rule 8 prohibits disrespect to or maltreatment of any person, while on or off duty.

Here, Officer Weathersby admitted that he stated words of the effect of “get out the fuckin car,” “get on the ground motherfucker,” and “good motherfucker” to ██████ but denied that he was being verbally abusive when making these statements. According to Officer Weathersby, the language was used in the heat of the moment, was not a regular interaction, was a traumatic experience, and he was involved in a fight with ██████ However, COPA finds that the language Officer Weathersby used was verbally abusive, and as such, COPA finds this allegation Sustained in violation of Rules 2, 3, 6, and 8.

VI. DISCIPLINARY RECOMMENDATION

a. Officer Curtis Weathersby

i. Complimentary and Disciplinary History⁵⁷

Officer Weathersby has received 56 various awards and had no disciplinary history.

ii. Recommended Discipline

COPA found that Officer Weathersby failed to timely activate his BWC, struck ██████ multiple times in the face area without justification, failed to use de-escalation tactics when interacting with ██████ and was verbally abusive to ██████ Based on the above, combined with the Officer’s history, COPA recommends that Officer Weathersby receive a **5-7 day suspension**.

⁵⁴ Att. 48- General Order G02-01(I)(A).

⁵⁵ Att. 48- General Order G02-01(III)(B).

⁵⁶ Att. 48- General Order G02-01(III)(B).

⁵⁷ Att. 49.

b. Officer Jeremy Mason

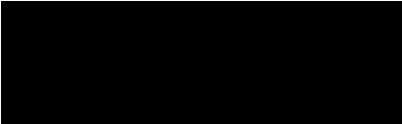
i. Complimentary and Disciplinary History⁵⁸

Officer Mason has received 39 various awards and had no disciplinary history.

ii. Recommended Discipline

COPA found that Officer Mason failed to timely activate his BWC. Based on the above, combined with the Officer’s history, COPA recommends that Officer Mason receive a **Reprimand and Retraining on S03-14.**

Approved:



3-29-2024

LaKenya White
Director of Investigations

Date

⁵⁸ Att. 50.

Appendix A**Case Details**

Date/Time/Location of Incident:	October 1, 2020/ 11:50 am/ 5838 S. Wabash Avenue
Date/Time of COPA Notification:	October 3, 2022/ 1:35 pm
Involved Member #1:	Curtis Weathersby, star# 7866, employee# [REDACTED] Date of Appointment: August 16, 2017, 145, Male, Black
Involved Member #2:	Jeremy Mason, star# 17917, employee# [REDACTED] Date of Appointment: October 26, 2015, 002/143, Male, Black
Involved Individual #1:	[REDACTED] Male, 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

- General Order G03-02-01 Force Options (effective February 29, 2020 – April 14, 2021)
- Special Order S03-14 Body Worn Cameras (effective April 30, 2018 – December 29, 2023)
- Special Order S04-13-09 Investigatory Stop System (effective July 10, 2017 to present)
- General Order G02-01: Human Rights and Human Resources (effective October 5, 2017, to June 30, 2022)
- Chicago Municipal Code 8-4-030.

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.⁵⁹ 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.”⁶⁰

⁵⁹ 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).

⁶⁰ *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