



Log # 2022-2141

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

### I. EXECUTIVE SUMMARY

On May 27, 2022, Lieutenant (Lt.) Allen Lee, #340, initiated a complaint reporting possible misconduct by a member of the Chicago Police Department (CPD). Lt. Lee reported that on May 26, 2022, Officer Lacey Harris, #11088, grabbed ██████ ██████ testicles as a form of pain compliance.<sup>2</sup> Lt. Lee referred the incident for further investigation by the Civilian Office of Police Accountability (COPA) to determine if Officer Harris's actions were within CPD policy. Following its investigation, COPA reached a Sustained finding regarding the allegation.

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

On the morning of May 26, 2022, Officer Lacey Harris responded to a call regarding the violation of an order of protection at ██████.<sup>4</sup> The caller, ██████ related that ██████ whom she had an active order of protection against, was sitting outside her residence in a black Mercedes bearing license plate # ██████.<sup>5</sup> ██████ informed 911 dispatchers that ██████ was wearing a track suit and was known to carry a gun.<sup>6</sup>

Officer Harris arrived on scene and approached ██████ who was in the driver seat of a black Mercedes.<sup>7</sup> Officer Harris asked ██████ for a driver's license or identification card. ██████ said he did not have any identification, and he asked Officer Harris why he approached him when he was merely sitting in his car. Officer Harris explained that he received a call.<sup>8</sup> ██████ repeated that he did not have identification. Officer Harris told ██████ to put his cigarette out and to step out of the car.<sup>9</sup> Bryd exited his car, and Officer Harris guided ██████ toward the rear of ██████ car. ██████ told Officer Harris not to grab his shirt and that there was no reason to touch him.<sup>10</sup> Officer Harris again

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<sup>1</sup> Appendix A includes case identifiers such as the date, time, and location of the incident, the involved parties and their demographics, and the applicable rules and policies.

<sup>2</sup> One or more of these allegations fall within COPA's jurisdiction pursuant to Chicago Municipal Code § 2-78-120. Therefore, COPA determined it would be the primary investigative agency in this matter.

<sup>3</sup> The following is a summary of what COPA finds most likely occurred during this incident. This summary utilized information from several different sources, including police reports, OEMC transmissions, BWC footage, and officer interviews.

<sup>4</sup> Atts. 1, 2 and 3.

<sup>5</sup> Att. 12.

<sup>6</sup> Att. 12.

<sup>7</sup> Att. 4 at 2:22; Att. 27, pg. 14, lns. 20 to 23.

<sup>8</sup> Att. 4 at 3:39.

<sup>9</sup> Att. 4 at 3:47.

<sup>10</sup> Att. 4 at 3:52.

asked Bryd to put his cigarette out, while ██████ repeatedly told Officer Harris to let go of his shirt. As Officer Stephanie Incandela, #13867, arrived on scene, Officer Harris asked ██████ to turn toward his car with his back facing Officer Harris.<sup>11</sup> ██████ pulled away and fled.<sup>12</sup> Officer Harris grabbed ██████ jacket and attempted to perform an emergency takedown by wrapping his arms around ██████ waist.<sup>13</sup> With ██████ momentum, the left side of Officer Harris's shoulder and head struck a tree, and Officer Harris was dragged a short distance before he and ██████ fell to the ground.<sup>14</sup> The officers instructed ██████ to stay down as Officer Incandela tried to handcuff him.<sup>15</sup> ██████ resisted arrest and tried to get up.<sup>16</sup> According to Officer Harris, ██████ began kicking, swinging, and punching.<sup>17</sup>

Officer Harris said he felt pain in his lower back, left shoulder, and arm from striking the tree, so he attempted to grab ██████ pants, waist, or anything he could so Officer Incandela could handcuff him.<sup>18</sup> Officer Harris then grabbed ██████ testicles.<sup>19</sup> Officer Incandela told ██████ multiple times to give her his arm.<sup>20</sup> ██████ repeatedly asked, "Why you grabbing my balls?"<sup>21</sup> Officer Harris told ██████ to stay down.<sup>22</sup> As Officer Incandela struggled to handcuff ██████ and asked for his arm, ██████ replied, "He's got my testicles in his hand."<sup>23</sup> Officer Harris replied, "I sure in the hell do. Turn your arm around."<sup>24</sup> ██████ shouted, "Y'all not cuffing me up."<sup>25</sup> Officer Incandela finally handcuffed ██████<sup>26</sup> Officer Harris released ██████ testicles as additional officers arrived.<sup>27</sup> ██████ was arrested and charged with Issuance of a Warrant, Violation of a Civil No-Contact Order, and two counts of Resisting/Obstructing a Peace Officer.<sup>28</sup>

██████ informed Lt. Lee that Officer Harris grabbed his "balls."<sup>29</sup> According to Lt. Lee's Initiation Report, ██████ did not complain of injury to that area, but he complained of shortness of

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<sup>11</sup> Att. 4 at 4:09; Att. 5 at 1:57.

<sup>12</sup> Att. 4 at 4:12; Att. 5 at 2:05.

<sup>13</sup> Att. 2; Att. 27, pg. 16, lns. 2 to 6.

<sup>14</sup> Atts. 1, 2, 3 and 9; Att. 4 at 4:14; Att. 5 at 2:09; Att. 27, pg. 16, lns. 6 to 8.

<sup>15</sup> Att. 5 at 2:13.

<sup>16</sup> Att. 4 at 4:34.

<sup>17</sup> Att. 27, pg. 16, lns. 12 to 14.

<sup>18</sup> Att. 27, pg. 16, lns. 14 to 21; and pg. 25, lns. 10 to 19.

<sup>19</sup> Att. 4 at 4:36.

<sup>20</sup> Att. 5 at 2:37 to 3:30.

<sup>21</sup> Att. 5 at 2:29 to 3:00.

<sup>22</sup> Att. 5 at 2:34.

<sup>23</sup> Att. 5 at 3:02.

<sup>24</sup> Att. 5 at 3:04.

<sup>25</sup> Att. 5 at 3:31 to 3:42.

<sup>26</sup> Att. 5 at 3:32.

<sup>27</sup> Att. 4 at 6:00.

<sup>28</sup> Att. 3.

<sup>29</sup> Att. 1.

breath.<sup>30</sup> Officers transported ██████ to West Suburban Hospital for medical attention, but ██████ was uncooperative with hospital personnel.<sup>31</sup>

Officer Harris reported pain in his left arm and knee from being dragged, and an assisting officer transported him to the hospital.<sup>32</sup> Officer Harris purportedly sustained a left knee sprain, left shoulder sprain, elbow sprain, and a herniated disc from the incident.<sup>33</sup> He was subsequently placed on medical leave.

Tactical Response Reports (TRRs) document that ██████ did not follow verbal direction, stiffened, pulled away, and fled.<sup>34</sup> Officer Harris responded with verbal direction, control techniques, a take down, pressure sensitive areas, and handcuffs / physical restraints.<sup>35</sup> Regarding the allegation, Officer Harris explained that his knee, left arm, and the left side of his body were in excruciating pain from being dragged and striking the tree. Officer Harris asserted that he only had use of his right hand while struggling to place ██████ into custody, so he opted to use a pain compliance technique to gain control of ██████ while Officer Incandela handcuffed him.<sup>36</sup> Officer Harris added that since this call involved a person with a gun,<sup>37</sup> and ██████ was an active resister, Officer Harris felt he was possibly in a fight for survival.<sup>38</sup>

### III. ALLEGATIONS

#### Officer Lacey Harris:

1. Grabbing ██████ testicles and/or genital area
  - Sustained, Violation of Rules 2, 3, 6, 8, and 9

### IV. CREDIBILITY ASSESSMENT

In his statement to COPA, Officer Harris provided details that were not clearly captured by the available video recording, nor documented in his or Officer Incandela's TRRs—such as the assertion that ██████ kicked, swung, and punched as the officers tried to place him into custody. Officer Harris maintained that ██████ committed these actions; however, he was in pain and on medication when he completed the TRR and inadvertently omitted the information. Additionally, Officer Harris said he did not remember whether the initial dispatch call involved a violation of an

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<sup>30</sup> COPA's efforts to contact ██████ were unsuccessful. Atts. 11 and 18. *See also* Case Management System (CMS) notes CO-0140257, CO-0141623, CO-0141632, and CO-0151026.

<sup>31</sup> Atts. 1, 2, 3 and 9.

<sup>32</sup> Att. 2; Att. 27, pg. 17, lns. 13 to 15.

<sup>33</sup> Att. 27, pg. 29, lns. 1 to 11.

<sup>34</sup> Atts. 8 and 9.

<sup>35</sup> When asked why Officer Harris's Tactical Response Report does not document the kicking, swinging and punching he described in his interview, Officer Harris said he completed the report a couple hours after his injury and was in pain and on pain medication. Att. 27, pg. 28, lns. 9 to 21.

<sup>36</sup> Att. 27, pg. 32, lns. 1 to 20; pg. 34, lns. 1 to 10; pg. 45, ln. 20 to pg. 46, ln. 2.

<sup>37</sup> Officer Harris said he did not recall the violation of an Order of Protection aspect of the call. Att. 27, pg. 19, lns. 3 to 10; pg. 38, lns. 7 to 23.

<sup>38</sup> Att. 27, pg. 52, lns. 4 to 12.

order of protection, but he vividly remembered the incident as a person with a gun call. Despite these inconsistencies, the remainder of Officer Harris's account is consistent with the video recordings, CPD reports, and police radio transmissions. COPA notes that Officer Harris provided his interview to COPA fifteen months after the incident.

## V. ANALYSIS<sup>39</sup>

COPA finds that **Allegation #1** against **Officer Harris**, that he grabbed ██████ testicles and/or genital area, is **Sustained**. Under CPD policy, members may only use force that is objectively reasonable, necessary, and proportional to the threat, actions, and level of resistance offered by a person.<sup>40</sup> When a CPD member encounters a person who attempts to create distance between himself and the member's reach with the intent to avoid physical control and/or defeat arrest, that person is classified as an active resister.<sup>41</sup> This type of resistance includes, but is not limited to, evasive movement of the arm, flailing arms, and full flight by running. CPD members may respond to active resistance with police presence; verbal response; holding techniques which include a firm grip, grabbing an arm, wristlocks, and come-along holds (i.e. escort holds that are not elevated to compliance techniques); compliance techniques which are designed to amplify nonimpact pressure and increase the potential for control; control instruments; stunning; takedowns; OC spray; Tasers; and canine use.

In the instant case, ██████ was undoubtedly an active resister who attempted to avoid physical control and/or defeat arrest by fleeing. Additionally, ██████ failed to comply with verbal direction, stiffened, and pulled away. Officer Harris grabbed and held ██████ testicles and/or genital area for approximately eighty seconds. While Officer Harris was certainly authorized to use force against ██████ to place him into custody, the choice of force Officer Harris employed was not in compliance with CPD policy and directives. Officer Harris had other force options available to him. While COPA recognizes that Officer Harris was injured and very likely in pain at the time of the incident, his choice of pain compliance technique was not objectively reasonable or necessary.

Also, even if ██████ were classified as an assailant, Officer Harris would still not be justified in squeezing ██████ testicles as a compliance technique. CPD policy defines an assailant as "a person who is using or threatening to use force against another person . . . which is likely to cause physical injury."<sup>42</sup> Assailants are further classified as either (1) "a person whose actions are aggressively offensive with or without weapons," or (2) "a person whose actions constitute an imminent threat of death or great bodily harm to a [CPD] member or to another person."<sup>43</sup> For the first type of assailant, authorized force options can include direct mechanical techniques and the

<sup>39</sup> For a definition of COPA's findings and standards of proof, *see* Appendix B.

<sup>40</sup> Att. 23, G03-02(III)(B), De-Escalation, Response to Resistance, and Use of Force (effective April 15, 2021, to June 28, 2023).

<sup>41</sup> Att. 24, G03-02-01(IV)(B), Response to Resistance and Force Options (effective April 15, 2021, to June 28, 2023).

<sup>42</sup> Att. 24, G03-02-01(IV)(C).

<sup>43</sup> Att. 24, G03-02-01(IV)(C).

use of impact weapons.<sup>44</sup> None of these options include forcefully squeezing the person’s testicles as a pain compliance technique. Courts have found that a police officer who squeezes a subject’s testicles engages in “extreme or patently abusive conduct”<sup>45</sup> and have called this conduct “a hornbook example of excessive force.”<sup>46</sup> Therefore, COPA finds by a preponderance of evidence that Officer Harris violated CPD policy and Rules 2, 3, 6, 8, and 9, and the allegation against Officer Harris is Sustained.

**VI. DISCIPLINARY RECOMMENDATION**

**a. Officer Lacey Harris**

**i. Complimentary and Disciplinary History<sup>47</sup>**

Officer Harris has received nineteen Honorable Mentions, two complimentary letters, and ten other awards and commendations. Officer Harris has not been disciplined within the past five years.

**ii. Recommended Discipline**

COPA has found that Officer Harris violated CPD policy and Rules 2, 3, 6, 8, and 9 by grabbing ██████████ testicles as a pain compliance technique during an arrest. While Officer Harris believed this technique was reasonable under the circumstances of the arrest, it was outside of CPD’s use-of-force model and was not appropriate, particularly where Officer Harris employed the technique for over one minute. COPA recognizes that Officer Harris was injured during this incident and that ██████ suffered no known serious injuries. COPA also recognizes that Officer Harris documented his actions and did not attempt to hide or minimize what he had done. Based on this information, and considering Officer Harris’s complimentary and disciplinary history, COPA recommends a **10-day suspension**.

Approved:

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████████████████████  
████████████████████

January 12, 2024

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Matthew Haynam  
*Deputy Chief Administrator – Chief Investigator*

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Date

<sup>44</sup> Att. 24, G03-02-01(IV)(C)(1)(a).

<sup>45</sup> See *Pryor v. Corrigan*, 2021 U.S. Dist. LEXIS 60852, at \*63-64 (N.D. Ill., Mar. 30, 2021) (memorandum opinion and order on summary judgment) (internal quotation marks omitted) (quoting *Campbell v. Miller*, 499 F.3d 711, 717 (7th Cir. 2007)).

<sup>46</sup> *Pryor*, 2021 U.S. Dist. LEXIS, at \*63 (citing *Price v. Kramer*, 200 F.3d 1237, 1249 (9th Cir. 2000)).

<sup>47</sup> Att. 28.

Appendix A**Case Details**

Date/Time/Location of Incident:	May 26, 2022 / 10:22 am / [REDACTED]
Date/Time of COPA Notification:	May 27, 2022 / 8:33 am
Involved Member #1:	Lacey Harris / Star #11088 / Employee ID # [REDACTED] / DOA: March 18, 1996 / Unit: 015 / 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.

**Applicable Policies and Laws**

- General Order G03-02: De-escalation, Response to Resistance, and Use of Force (effective April 15, 2021 to June 28, 2023)
- General Order G03-02-01: Response to Resistance and Force Options (effective April 15, 2021 to June 28, 2023)

## 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>48</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>49</sup>

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<sup>48</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>49</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