



CIVILIAN OFFICE OF POLICE ACCOUNTABILITY

INTEGRITY • TRANSPARENCY • INDEPENDENCE • TIMELINESS

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

### I. EXECUTIVE SUMMARY

On September 27, 2023, the Civilian Office of Police Accountability (COPA) received a telephone complaint from ██████████ reporting alleged misconduct by a member of the Chicago Police Department (CPD). ██████████ alleged that on September 23, 2023, Officer Michael Piskorek used force against ██████████ without justification.<sup>2</sup> COPA did not serve any additional allegations. Following its investigation, COPA reached a Not Sustained finding against Officer ██████████

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

On September 23, 2023, at approximately 6:52 pm, Officer Michael Piskorek assisted in stopping a vehicle.<sup>4</sup> Officer Piskorek was standing next to the pulled-over vehicle near or on the sidewalk while ██████████ jaywalked across a four-lane street.<sup>5</sup> Officer Piskorek said to ██████████ “Who are you?”<sup>6</sup> In a loud voice, ██████████ responded, “Who are you?”<sup>7</sup> Officer Piskorek directed ██████████ to “step over here” and pointed to the sidewalk.<sup>8</sup> Officer Piskorek then pushed ██████████ right arm with one hand and ordered him to “step over here.”<sup>9</sup> ██████████ swatted Officer Piskorek’s left hand with his right hand.<sup>10</sup> Officer Piskorek then placed both his hands on ██████████ chest and pushed ██████████ backward several feet.<sup>11</sup> ██████████ said, “Don’t put your fucking hands on me,” and hit Officer Piskorek’s right hand with his left hand, and then bumped into Officer Piskorek.<sup>12</sup> Shortly after this, Officer Piskorek and several other officers did an

<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 body worn camera (BWC) footage, police reports, a civilian interview, and an officer interview.

<sup>4</sup> Att. 5, Officer Piskorek’s BWC, at 0:00 to 5:00. As the details of this stop are not directly related to the incident of ██████████ the FSR will not describe the stopping of this vehicle in detail.

<sup>5</sup> Att. 5, at 4:45 to 5:05; Att. 5 at 5:05 to 5:10.

<sup>6</sup> Att. 5, at 5:10 to 5:12.

<sup>7</sup> Att. 5, at 5:12 to 5:15.

<sup>8</sup> Att. 5, at 5:13 to 5:15; Att. 12, Officer Patrick’s BWC, at 0:23 to 0:24.

<sup>9</sup> Att. 5, at 5:13 to 5:15.

<sup>10</sup> Att. 5, at 5:15 to 5:17; Att. 12, at 0:25 to 0:27; Att. 13, Officer Triston Eiland’s BWC, at 0:19 to 0:21; Officer Piskorek’s statement indicates that ██████████ swatted his hand (Att. 43, Pg. 8, Ins. 22 to 24); In Piskorek’s TRR (Att. 36, Page 2), Officer Piskorek stated ██████████ struck his right arm with an open hand.

<sup>11</sup> Att. 5, at 5:15 to 5:17.

<sup>12</sup> Att. 5, at 5:17 to 5:20; Att. 5, at 5:26 to 5:27.

emergency takedown of ██████ and handcuffed him.<sup>13</sup> ██████ was placed into custody.<sup>14</sup> ██████ was charged with seven counts, which included aggravated UUW, driving on a suspended license, battery, and obstruction of a peace officer.<sup>15</sup> ██████ vehicle was searched incident to arrest, and officers recovered two firearms.<sup>16</sup>

### III. ALLEGATIONS

#### Officer Michael Piskorek:

1. Used Force Against ██████ Without Justification
  - 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, COPA finds Officer Piskorek's account appeared to be credible. His recollection of the incident during his statement was consistent and matched the event as documented by his BWC footage.<sup>17</sup>

Meanwhile, COPA finds ██████ account to be less credible than Piskorek's. In fact, ██████ made multiple statements that appear to be false recollections of the event. In his statement, ██████ stated that Officer Piskorek stated, "Well, since you want me arrested for assault, I'm just going to have to go and arrest you now."<sup>18</sup> COPA finds no evidence that Officer Piskorek stated this or a similar statement in a review of Piskorek's BWC.<sup>19</sup> ██████ also said that Officer Piskorek indicated that he was going to sue ██████ after ██████ threatened to sue Officer Piskorek.<sup>20</sup> However, Piskorek calmly responded "ok" when ██████ made that threat to sue Officer Piskorek.<sup>21</sup> COPA finds no evidence that Officer Piskorek said he was going to sue ██████<sup>22</sup> ██████ also stated that when Officer Piskorek provided his badge number: "He was speaking out his badge number with -- with boldness, with -- with braveness, like, 'We do this.

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<sup>13</sup> Att. 5, at 5:35 to 6:00; Att. 1, Arrest Report, Pg. 3.

<sup>14</sup> Att. 1, Arrest Report, Pg. 3.

<sup>15</sup> Att. 1.

<sup>16</sup> Att. 5, at 15:25 to 16:20.

<sup>17</sup> Att. 43; Att. 5, at 0:00 to 8:00.

<sup>18</sup> Att. 48, ██████ Transcript, Pg. 9, Lns. 12 to 14.

<sup>19</sup> Att. 5, at 0:00 to 9:00.

<sup>20</sup> Att. 48, Pg. 19, Lns. 19 to 24, Pg. 20, Lns. 1 to 3.

<sup>21</sup> Att. 5, at 6:10 to 6:22.

<sup>22</sup> Att. 5, at 0:00 to 9:00.

This is what we do. Any of you guys don't comply to what we want to do, this is what we going to do,' you know?" However, that never happened, as Officer Piskorek calmy and without any attitude provided his badge twice to ██████<sup>23</sup> Furthermore, ██████ said Officer Piskorek never gave him any verbal instructions prior to pushing him.<sup>24</sup> Again, this is not true as Officer Piskorek clearly instructed ██████ to "step over here" before resulting to physical force.<sup>25</sup>

## V. ANALYSIS<sup>26</sup>

### a. Use of Force

COPA finds the allegation that Officer Michael Piskorek used force against ██████ without justification, is **Not Sustained**. The CPD's Rules of Conduct establish a list of acts which are expressly prohibited for all members, including Rule 8, which states that officers may not engage in any behavior that would result in disrespect toward or maltreatment of any person. And Rule 9, which prohibits officers from engaging in any unjustified verbal or physical altercation with any person. Additionally, CPD policy specifies that all uses of force employed by officers must be "objectively reasonable, necessary, and proportional," depending on the circumstances of the situation.<sup>27</sup> CPD members are trained to view the use of force according to a spectrum of possible encounters based on whether the subject involved is a cooperative person, a passive resister, an active resister, or an assailant, with greater levels of force being permitted as the subject's behavior becomes more dangerous.<sup>28</sup>

In this case, ██████ ignored verbal warnings as he walked up to an ongoing traffic stop, thereby interfering with the police as they conducted a traffic stop.<sup>29</sup> When ██████ swatted away Officer Piskorek's arm and continued to disobey verbal direction, Officer Piskorek was authorized to respond to ██████ active resistance with diffused pressure strikes, an emergency takedown, and even OC spray if necessary.<sup>30</sup> Even if ██████ actions only rose to that of a passive resister, Officer Piskorek was still authorized to use compliance techniques, such as non-impact pressure and holding.<sup>31</sup>

However, CPD policy *requires* that "Department members use de-escalation techniques to prevent or reduce the need for force, unless doing so would place a person or a Department member in immediate risk of harm, or de-escalation techniques would be clearly ineffective

<sup>23</sup> Att. 5, at 6:35 to 6:42; Att. 5 at 7:39 to 7:42.

<sup>24</sup> Att. 48, Pg 24, Lns. 21 to 24.

<sup>25</sup> Att. 5, at 5:10 to 5:15.

<sup>26</sup> For a definition of COPA's findings and standards of proof, see Appendix B.

<sup>27</sup> Att. 44, G03-02(III)(B), De-Escalation, Response to Resistance, and Use of Force (effective June 28, 2023 to present).

<sup>28</sup> Att. 45, G03-02-01(IV)(A to C), Response to Resistance and Force Options (effective June 28, 2023 to present).

<sup>29</sup> Att. 5, at 5:13 to 5:15; Att. 12, Officer Patrick's BWC at 0:23 to 0:24.

<sup>30</sup> Att. 45 (IV)(A).

<sup>31</sup> Att. 45, (IV)(B)(1)(b).

under the circumstances at the time.”<sup>32</sup> There was no evidence to suggest that de-escalation techniques would have been ineffective or would have placed any Department member at immediate risk or harm. BWC footage depicted several officers on the scene at the time of the traffic stop. While Officer Piskorek stated that he used verbal direction as a de-escalation technique, there were other tactics he could have employed to reduce the need for force. These include providing a warning, exercising persuasion, providing advice prior to the use of force, and using time, distance, and/or positioning to isolate and contain a person.<sup>33</sup> This incident could have possibly been avoided if Officer Pisorek had employed additional de-escalation techniques. Therefore, COPA finds this allegation **Not Sustained**.

Approved:



3/26/25

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*LaKenya White*  
*Director of Investigations*

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Date

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<sup>32</sup> Att. 44, G03-02(II)(D), De-escalation, Response to Resistance, and Use of Force (effective June 28, 2023 to present).

<sup>33</sup> Att. 43, Pg 19, Lns. 8 to 14; Att. 44, (II)(D)(a)(b).

Appendix ACase Details

Date/Time/Location of Incident:	September 23, 2023 / 6:57 pm / 201 W. Marquette Rd., Chicago, IL 60621
Date/Time of COPA Notification:	September 27, 2023 / 7:45 pm
Involved Member #1:	Officer Michael Piskorek, Star #18947, Employee # [REDACTED], DOA: February 16, 2021, Unit of Assignment: 007, Male, White.
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

- G03-02 De-Escalation, Response to Resistance, and Use of Force (effective June 28, 2023 to present)
- G03-02-01 Response to Resistance and Force Options (effective June 28, 2023 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.<sup>34</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>35</sup>

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<sup>34</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>35</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