



Log # 2023-1627

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

### I. EXECUTIVE SUMMARY

On April 15, 2023, the Civilian Office of Police Accountability (COPA) received an initiation report complaint from ██████████ alleging misconduct by a member of the Chicago Police Department (CPD). ██████████ alleged that on April 15, 2023, Officer Peter Kopec pulled on ██████████ arms without justification.<sup>2</sup> Upon review of the evidence, COPA served additional allegations that Officer Peter Kopec deactivated his body worn camera prior to the end of the incident and directed verbal abuse at ██████████. Following its investigation, COPA reached sustained findings regarding the allegations of pulling on ██████████ arms without justification and directing verbal abuse at ██████████.

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

On April 15, 2023, at approximately 2:50 pm, Officer Peter Kopec and Officer Leonard Miles arrived at ██████████ ██████████. They exited their police vehicle and Officer Kopec spoke with several civilians, including ██████████ and ██████████ a teen male. ██████████ said that ██████████ threatened to kill someone.<sup>4</sup> Officer Kopec spoke with ██████████ who said that ██████████ needed to leave.<sup>5</sup> Both officers then suggested that ██████████ could be evicted from ██████████ home.<sup>6</sup> ██████████ started raising his voice and said, “Don’t try to threaten me [...] fuck these guys [...] whatcha going to do about it [...] arrest me.”<sup>7</sup> ██████████ then put his two arms out as if he were going to be handcuffed.<sup>8</sup> Then, Officer Kopec and Officer Miles handcuffed ██████████ behind his back.<sup>9</sup> The officers walked ██████████ to their vehicle. Officer Kopec said, “Do me a favor and shut the hell up.” ██████████ then was helped into the back of the police vehicle.<sup>10</sup>

<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 BWC footage, police reports, civilian interviews, officer interviews, etc.

<sup>4</sup> Att. 3 Body Worn Camera footage of Officer Miles 1 2:00 to 3:40

<sup>5</sup> Att. 1 Body Worn Camera footage of Officer Kopec 3:00 to 3:40

<sup>6</sup> Att. 3 5:00 to 6:00

<sup>7</sup> Att. 7:35 to 7:50

<sup>8</sup> Att. 7 7:50 to 7:52

<sup>9</sup> Att. 3 7:00 to 8:00

<sup>10</sup> Att. 3 8:00 to 8:45

Officers noted ██████ would be charged with battery after speaking with several witnesses on the scene, including ██████ and ██████ who stated ██████ pushed her.<sup>11</sup> Officer Kopec and Officer Miles drove ██████ to the 8<sup>th</sup> District station for processing.<sup>12</sup> While entering the station, ██████ cursed at Officer Kopec multiple times and threatened a lawsuit.<sup>13</sup> Officer Kopec said that ██████ was not a hero and ██████ responded, “fuck you.”<sup>14</sup>

While Officer Kopec escorted ██████ into an interview room, ██████ told Officer Kopec, “Let me catch you without no gun, bitch, I’ll kick your bitch ass.”<sup>15</sup> Officer Kopec responded saying “Are you threatening me? Are you threatening me?” while he pulled on ██████ handcuffed arms.<sup>16</sup>

██████ said, “I’m not resisting.”<sup>17</sup> To which Officer Kopec responded, “You’re going to kick my bitch ass?” ██████ then warned Officer Kopec, “You’re breaking my arm almost.”<sup>18</sup> Officer Kopec responded, “Listen, you just said you’re going to kick my bitch ass.”<sup>19</sup> ██████ said, “You’re breaking my arms, bruh [...] I’m not resisting [...] he’s doing more.”<sup>20</sup> After additional talk between Officer Kopec and ██████ Officer Kopec lowered ██████ handcuffed arms. Officer Kopec then said, “You fucking move motherfucker and you’re going to go down, you understand [...] you fucking threaten me.”<sup>21</sup> Officer Kopec then handcuffed ██████ to the wall and said, “Don’t fucking move, sit down!”<sup>22</sup> ██████ said to Officer Miles, “Good cop, bad cop, huh?” Officer Kopec said, “Because you just threatened to kick my bitch ass, asshole.” After some additional talk, both officers left the interview room while ██████ was handcuffed to the wall.<sup>23</sup>

At approximately 4:15 pm, ██████ while grabbing his right shoulder, complained about his shoulder, “This sonofabitch dislocated my shoulder [...] the arresting officer, the old white man.”<sup>24</sup> At approximately, 4:20 pm, ██████ was put in the back of an ambulance and then transported to ██████ Hospital.<sup>25</sup> At the hospital, ██████ complained of right arm pain but refused further evaluation.<sup>26</sup>

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<sup>11</sup> Att. 3 9:30 to 11:35

<sup>12</sup> Att. 8 Arrest Report. Att. 3 25:10 to 27:00

<sup>13</sup> Att. 3 27:00 to 28:00

<sup>14</sup> Att. 3 27:00 to 28:00

<sup>15</sup> Att. 3 28:28 to 28:35

<sup>16</sup> Att. 3 28:19 to 28:40

<sup>17</sup> Att. 3 28:39 to 28:41

<sup>18</sup> Att. 3 28:46 to 28:49

<sup>19</sup> Att. 3 28:49 to 28:52

<sup>20</sup> Att. 3 28:52 to 28:59

<sup>21</sup> Att. 3 29:00 to 29:16

<sup>22</sup> Att. 3 29:20 to 29:30

<sup>23</sup> Att. 3 28:40 to 30:24

<sup>24</sup> Att. 20 BWC Bernal 2:00 to 2:20

<sup>25</sup> Att. 20 7:50 to 22:00

<sup>26</sup> Att. 13 ██████ medical records

At approximately 5:30 pm, ██████ left in an ambulance for ██████ Medical Center. ██████ after visit summary from ██████ Medical Center stated that “You were seen for right arm pain today. Your x-ray imaging was reassuring with no evidence of fracture. You could take Tylenol as needed for pain. You could use ice or heat as needed for discomfort. Please follow up with your primary care physician as needed. Return to the ER if your symptoms worsen.”<sup>27</sup>

### III. ALLEGATIONS

#### Officer Peter Kopec:

1. Pulling on ██████ arms without justification
  - Sustained, Violation of Rules 2, 6, General Order G03-02 and General Order G03-02-01
2. Deactivating their body worn camera prior to the end of the incident
  - Unfounded
3. Directing verbal abuse at ██████
  - Sustained, Violation of Rule 2, 6, and 9

### 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.

### V. ANALYSIS<sup>28</sup>

COPA found that the allegation against Officer Kopec that he pulled on ██████ arms without justification is **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.<sup>29</sup> 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>30</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>31</sup>

<sup>27</sup> Att. 22 ██████ Medical Center medical record for ██████

<sup>28</sup> For a definition of COPA’s findings and standards of proof, *see* Appendix B.

<sup>29</sup> Att. 23, Rules and Regulations of the Chicago Police Department, (V) Rules of Conduct, Rules 8 to 9, pg. 7 (effective April 16, 2015 to present)

<sup>30</sup> Att. 24 G03-02(III)(B), Use of Force (effective April 15, 2021 to June 27, 2023)

<sup>31</sup> Att. 25 G03-02-01(IV) (A to C), Force Options (effective April 15, 2021 to June 27, 2023)

In his statement, Officer Kopec described this maneuver as an escort hold and that he did the escort hold because ██████ was a dangerous individual who was threatening him with violence. He also said that he did the escort hold for officer safety.<sup>32</sup> Based on the footage from Officer Kopec's and Officer Miles' BWC, ██████ did threaten Officer Kopec; however, neither officers were in danger at the police station.<sup>33</sup> ██████ made no physical moves to indicate that he was likely to cause danger to the officers and was handcuffed at the time. An individual who is compliant without the need for physical force is classified as a cooperative person and despite ██████ threats, ██████ was a cooperative person.<sup>34</sup> There was no justifiable reason for Officer Kopec to pull on ██████ arms in the manner that he did and General Order G03-02-01 does not authorize physical contact between an officer and a cooperative person.<sup>35</sup>

COPA found that the allegation against Officer Kopec deactivated their body worn camera prior to the end of the incident is **unfounded**. According to Special Order S03-14, deactivation of event mode on an officer's body worn camera is not authorized unless "the entire incident has been recorded and the member is no longer engaged in a law-enforcement-related activity."<sup>36</sup> When Officer Kopec's BWC turned off, Officer Kopec was still interacting with ██████<sup>37</sup> According to the Officer Kopec's TRR, "while handcuffing arrestee to the bench, arrestee's body came in contact with RO's body camera and the body camera turned off and the plastic bracket broke."<sup>38</sup> Based on the body worn camera footage of both Officer Kopec and Officer Miles, it appears that the contact between Officer Kopec and ██████ did cause the body worn camera to shut off.<sup>39</sup> In Officer Kopec's statement, Officer Kopec said that he did not turn off his body worn camera. He indicated that either the contact with ██████ or BWC bracket falling down caused the BWC to stop recording.<sup>40</sup> The allegation of Officer Kopec deactivating their body worn camera prior to the end of the incident in violation of Special Order S03-14 is **unfounded** as Office Kopec did not deactivate his camera.

COPA found that the allegation against that Officer Kopec directed verbal abuse at ██████ is **sustained**. In Officer Kopec's statement, Officer Kopec stated that he said, "Do me a favor and shut the hell up" because he wanted ██████ to be quiet.<sup>41</sup> In Officer Kopec's statement, Officer Kopec stated that he said "You fucking move, mother-fucker, and you're going to go down" because he wanted to gain compliance.<sup>42</sup> The Chicago Police Department's Rules and Regulations' Rule 9 states that officers cannot engage in any unjustified verbal altercation with any person, while on or off duty. There was no justification for Officer Kopec to use this language with ██████

<sup>32</sup> Att. 27, Page 25, Lines 5 to 20; Page 26, Lines 14 to 23

<sup>33</sup> Att. 1 28:20 to 28:38 and Att. 3 28:00 to 30:24 - BWC footage show ██████ handcuffed and presenting no physical danger to the officers

<sup>34</sup> General Order G03-02-01 IV, A (effective April 15, 2021 to June 27, 2023)

<sup>35</sup> General Order G03-02-01 (effective April 15, 2021 to June 27, 2023)

<sup>36</sup> S03-14 Body Worn Cameras, III, B, 1., a (effective April 30, 2018 to Present)

<sup>37</sup> Att. 3, Officer Miles BWC, 28:30 to 30:24. This interaction can be found on Officer Miles BWC.

<sup>38</sup> Att. 12, Officer Kopec's TRR, Page 2

<sup>39</sup> Att. 1 28:20 to 28:38 and Att. 3 28:00 to 28:44

<sup>40</sup> Att. 27 Officer Kopec interview transcript, Page 32, lines 16 to 24, Page 32, lines 1 to 9

<sup>41</sup> Att. 27 Page 17, lines 9 to 12

<sup>42</sup> Att. 27, Page 27, lines 10 to 13

**VI. DISCIPLINARY RECOMMENDATION**

**a. Officer Peter Kopec**

**i. Complimentary and Disciplinary History<sup>43</sup>**

Officer Kopec has received 42 complimentary awards, including 26 Honorable Mentions, and four Complimentary Letters. Officer Kopec has received three separate reprimands for the following violations: failure to perform any duty, non-compliance with motor vehicle pursuit requirements, and preventable accident.

**ii. Recommended Discipline**

COPA has considered Officer Kopec's disciplinary history and complimentary history. Officer COPA used unauthorized force and was verbally abusive. His force did not cause any injury to [REDACTED] COPA recommends a Suspension of up to 30 days.

Approved:

[REDACTED]

*Sharday Jackson*  
*Deputy Chief Administrator – Chief Investigator*

November 30, 2023

Date

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<sup>43</sup> Att. 28

Appendix ACase Details

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|---------------------------------|---|
| Date/Time/Location of Incident: | 04/15/2023 / 2:50 pm / [REDACTED] [REDACTED]  |
| Date/Time of COPA Notification: | 04/15/2023 / 6:20 pm  |
| Involved Member #1:             | Officer Peter Kopec / Star#10813 / Employee#[REDACTED] /<br>Date of Appointment: 11/30/1998 / Unit of Assignment:<br>008 / Male / White |

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

- G03-02(III)(B), Use of Force (effective April 15, 2021 to June 27, 2023)
- G03-02-01(IV)(A to C), Force Options (effective April 15, 2021 to June 27, 2023)
- Rules and Regulations of the Chicago Police Department, (V) Rules of Conduct, Rules 8 to 9, pg. 7 (effective April 16, 2015 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>44</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>45</sup>

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<sup>44</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>45</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