



Log # 2024-2562

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

### I. EXECUTIVE SUMMARY

On February 26, 2024, the Civilian Office of Police Accountability (COPA) received an Initiation Report<sup>2</sup> from the Chicago Police Department (CPD) concerning a complaint from ██████████ (██████████ reporting alleged misconduct by a member of CPD. ██████████ alleged that on February 25, 2024, Officer Abdulhamid Ngitami “threw” his head into the car door after his arrest while being placed into the police vehicle.<sup>3</sup> Upon review of the evidence, COPA served an allegation that Officer Abdulhamid Ngitami failed to de-escalate an encounter. Following its investigation, COPA reached a finding of unfounded regarding the allegation of Officer Ngitami failing to de-escalate an encounter. BWC footage refuted the allegation that Officer Ngitami “threw” ██████████ head into the car door, therefore, COPA elected not to serve this allegation.<sup>4</sup>

### II. SUMMARY OF EVIDENCE<sup>5</sup>

On February 25, 2024, Officer Ngitami, and his partner Officer Yaroslav Rakochyy responded to a call of criminal trespassing at the CITGO gas station located at 5107 W. Madison St.<sup>6</sup> A gas station employee reported that 8-10 males were trespassing and loitering inside and outside of the gas station and would not leave.<sup>7</sup> Upon arrival on scene, Officer Ngitami and Officer Rakochyy exited their vehicle and approached a group of males standing in front of the gas station. The officers explained to the group that a call had been placed by a gas station employee and asked the group to leave the premises. As the group began to disperse, one individual, now known to be

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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> Att. 1

<sup>3</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>4</sup> In his interview to COPA, ██████████ described Officer Ngitami as “over push[ing]” him into the car, causing his head to hit the car. ██████████ said he asked Officer Ngitami why he hit his head and the officer said he could do whatever he wanted. (Att. 6 starting at 6:40.) BWCs from several officers on scene captured Officer Ngitami putting ██████████ into the vehicle, but did not depict any force used by the officer or show ██████████ head striking the car. ██████████ asked Officer Ngitami why he hit his head, and the officer denied it. (Att. 14 starting at 5:00, Att. 16 starting at 10:10, and Att. 19 starting at 7:00.)

<sup>5</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 Civilian and officer interviews, BWC footage, POD footage, and police reports.

<sup>6</sup> Att. 16

<sup>7</sup> Att. 4.

██████████ refused to leave, stating that he did not need to leave and that he was not going anywhere.<sup>8</sup>

Officer Ngitami again explained that the gas station called and requested to have the group leave the premises. Again, ██████████ angrily stated that he was not going anywhere and refused to leave. BWC footage shows ██████████ being highly agitated and verbally provoking an encounter with Officer Ngitami and continually refusing to comply after being given multiple verbal directions to leave the premises.<sup>9</sup> Officer Brian Stacy and other additional units arrived on scene to assist. Officer Rakochyy and other officers again asked ██████████ multiple times to leave the premises. ██████████ became more irate, yelling expletives at Officer Ngitami and calling Officer Ngitami derogatory names, walking back and forth with clenched fists, repeatedly stating he is not going anywhere.<sup>10</sup> ██████████ continues to yell and call Officer Ngitami and other officers explicit names when Officer Ngitami grabs ██████████ around his upper shoulder area.<sup>11</sup>

An unknown male, who appeared to be an acquaintance of ██████████ grabbed ██████████ and began pushing him away from the scene. ██████████ pushed the acquaintance back stating “no, I said what the fuck I said. He said move, I’m not going nowhere,” and yelled to officers “take me in, take me in.”<sup>12</sup> Officer Ngitami explained to the acquaintance that the gas station called and wanted the group to leave. At that time, the gas station clerk signed a complaint with Officer Kurtis Krey<sup>13</sup> and officers placed ██████████ into custody and transported him to the 15<sup>th</sup> District on charges of Criminal Trespassing.

### III. ALLEGATIONS

#### **Officer Abdulhamid Ngitami:**

1. Failure to de-escalate an encounter.
  - Unfounded

### IV. CREDIBILITY ASSESSMENT

The investigation did not reveal any evidence that caused COPA to question the credibility of any of the individuals (sworn or unsworn) who provided statements. Officer Ngitami was forthcoming in his statement to COPA by providing the an account of the encounter as corroborated by the BWC evidence. ██████████ also provided a statement to COPA, being forthcoming regarding his verbal encounter with Officer Ngitami, his constant encounter with police and the store owners regarding his presence at the gas station and repeated request to leave. While COPA did not find evidence to support ██████████ original allegation about Officer Ngitami “throwing” his

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<sup>8</sup> Att. 16 at 2:52.

<sup>9</sup> Att. 19 at 3:39

<sup>10</sup> Att. 19 at 4:00

<sup>11</sup> Att. 16 at 7:53.

<sup>12</sup> Att. 16 at 8:30.

<sup>13</sup> Att. 15 at 16:57.

head into the car, COPA sees this as a difference of perception rather than an attempt to be untruthful.

## V. ANALYSIS<sup>14</sup>

In his statement to COPA, Officer Ngitami stated that he repeatedly asked ██████ to leave the premises to which ██████ became irate, yelling and cursing at officers, and refusing to comply.<sup>15</sup> Officer Ngitami further stated that he continued to give ██████ multiple verbal directives to leave the premises and continually explained the reasoning why ██████ needed to leave as he wanted to give ██████ time to comply. Officer Ngitami then stated that after several failed attempts, he requested additional units on scene to increase member presence for officer safety and as a tactic to gain compliance. When ██████ failed to respond to the additional officers, Officer Ngitami stated that he believed that ██████ acquaintance intervening would get him to walk away and leave. When that failed, officers detained ██████ and placed him in handcuffs.

Officer Ngitami related that he is often stationed at the intersection of the location of occurrence due to high drug traffic and gang issues occurring at the gas station in which ██████ was arrested. Officer Ngitami related that he had seen ██████ at the location several times, as the gas station employees call 911 to have ██████ and other individuals removed for trespassing often. Officer Ngitami related that he has never arrested ██████ before, however, is aware that ██████ had been arrested by other officers in past instances. Officer Ngitami related that the group has also threatened, harmed and harassed the gas station employees, in which one employee quit due to safety concerns.

CPD policy says that a person who fails to comply with verbal directives is a passive resister.<sup>16</sup> When dealing with a passive resister, officers may respond with holding techniques, compliance techniques, control instruments, OC spray, LRAD, communication, and member presence.<sup>17</sup> Officer Ngitami explained that he utilized a holding technique when he grabbed ██████ in an attempt to effectuate detaining ██████ who refused to comply with several verbal directives to leave the premises.<sup>18</sup> G03-02-01 states that when encountering noncompliance to lawful verbal direction, officers may adjust their verbal communication and vary their level of assertiveness.<sup>19</sup> Additionally, G03-02, authorizes the use of de-escalation techniques, as well authorized use of force, that is objectively reasonable, necessary and proportional based on the evolving encounter.<sup>20</sup> Throughout the encounter, Officer Ngitami and other officers gave ██████ multiple opportunities to comply and leave the scene, which ██████ refused to do.

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<sup>14</sup> For a definition of COPA's findings and standards of proof, *see* Appendix B.

<sup>15</sup> Att. 25 at 10:55-11:28.

<sup>16</sup> Att. 26.

<sup>17</sup> Att. 26.

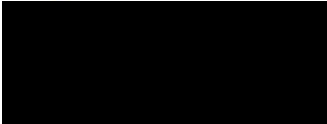
<sup>18</sup> Att. 25 at 12:19

<sup>19</sup> Att. 29, G-03-02-01 III (3)(b), (4)(a), Response to Resistance and Force Options (effective June 28, 2023, to present).

<sup>20</sup> Att.30, G03-02 II (D)(1)-(2), E (1-3), III (A)(B) (1-3)

For these reasons, COPA finds by clear and convincing evidence that Officer Ngitami performed his duties within policy, therefore the allegation of failure to de-escalate is **Unfounded**.

Approved:



Shannon Hayes  
*Acting Deputy Chief Investigator*

May 21, 2025

Date

**Appendix A**

**Case Details**

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Date/Time/Location of Incident:	February 25, 2024/5:50PM/5107 W. Madison St., Chicago, IL 60644
Date/Time of COPA Notification:	February 25, 2024/9:36PM
Involved Member #1:	Abdulhamid Ngitami #17441, employee ID# [REDACTED] Date of Appointment July 10, 2023, Unit of Assignment 015, Male, Black
Involved Individual #1:	[REDACTED] Male, Black

**Applicable Rules**

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- 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**

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- *Force Options Model.*
- *G03-02-01: Response to Resistance and Force Options (June 28, 2023, to present.)*
- *G03-02: De-escalation, Response to Resistance, and use of force (June 28, 2023 – 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>21</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>22</sup>

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<sup>21</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>22</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