Lori E. Lightfoot
Mayor

Department of Police · City of Chicago
3510 S. Michigan Avenue · Chicago, Illinois 60653

David O. Brown
Superintendent of Police

November 25, 2022

Andrea Kersten
Chief Administrator
Civilian Office of Police Accountability
1615 West Chicago Avenue, 4th Floor
Chicago, IL 60622

RE: Complaint Register Number: #2021-0596
Superintendent's Non-Concurrence with COPA's proposed penalties:
Police Lieutenant Kevin Keefe #283, Sergeant Nicholas Urban #1762
Superintendent's Partial Concurrence with COPA's findings:
Police Officers Jonathan Ridgner #5144 and Nicholas Abramson #13605

Dear Chief Administrator:

After a careful review of COPA's recommendation, the Chicago Police Department (CPD) concurs with some of the findings and with the penalty recommendation for Police Officers Jonathan Ridgner and Nicholas Abramson, but does not concur with the rule violation or penalty recommendation for Lieutenant Kevin Keefe or Sergeant Nicholas Urban.

I. Summary of the Facts

On 23 August 2020, Officers Ridgner and Abramson were in uniform in a marked CPD squad car patrolling the area around Augusta and Hamlin to reduce violence related to a gang conflict that had resulted in several recent shootings.[1] At the time, Officer Ridgner had 2 years and 1 month on the job and Officer Abramson had 3 years and 8 months on the job.

The officers observed [redacted] seated with a group of people along a store front wall. [redacted] looked surprised, adjusted his waistband, stood up, and walked away from the group when the officers started getting out of their patrol vehicle. A CPD POD captured [redacted] response to the officers' presence.[2] PO Ridgner and PO Abramson stated they believed [redacted] was armed with a firearm and conducted an investigatory stop. When the officers approached [redacted] he lifted his shirt and slapped away PO Ridgner's hands, stating in effect that had done nothing wrong and was not going to cooperate.[3] PO Ridgner stated he intended to arrest [redacted] for battery for slapping his hands/arms. [redacted] pulled away from PO Ridgner's attempts to grab his arms. PO Ridgner grabbed [redacted] by the neck with his left hand and pulled [redacted]

[1] Attachment 25 at 6:30
[2] Attachment 16
[3] Officers Ridgner and Abramson both activated their BWCs late and only video was available for the initial encounter.

into a squat position, where he then pulled up [redacted] leg so [redacted] was seated on the ground. PO Abramson's BWC captured PO Ridgner with his left hand around [redacted] neck. During this struggle the crowd came toward the officers and PO Abramson turned and began pushing these men away. [redacted] returned to his feet. PO Ridgner stated he believed [redacted] was going to be combative. The POD showed [redacted] pulling away from PO Ridgner with PO Ridgner hanging onto [redacted] back. PO Ridgner grabbed [redacted] around his waist and threw [redacted] to the ground, causing cuts to [redacted] forehead and face. [redacted] lay motionless on the ground for a few seconds. Men in the crowd ran at and threaten the officers.

PO Ridgner helped [redacted] to his feet, walked [redacted] to his patrol car, and told [redacted] he would get him an ambulance. PO Ridgner and PO Abramson told people in the crowd they ordered an ambulance for [redacted] PO Ridgner sat [redacted] in the back seat of his patrol car with the door open. PO Ridgner searched [redacted] PO Abramson continued to push people away, speaking calmly with some, but one young man holding a large furniture leg threatened PO Abramson. Other people in the crowd pulled this man away. PO Abramson continued to exchange insults with the man, calling him a "skinny bitch" and then telling the man, "I'm going to catch a body today."

Sergeant Urban and assist units responded. PO Ridgner approached Sgt. Urban and told Sgt. Urban he performed a takedown and [redacted] needed an ambulance. Sgt. Urban told PO Ridgner to move [redacted] to a different location away from the crowd. PO Abramson continued to exchange insults with the man in the crowd. PO Ridgner told PO Abramson to calm down and drove two blocks away to wait for an ambulance. A CFD Ambulance responded and transported [redacted] to the hospital.

While driving to the station in their patrol car, the In-Car Camera (ICC) microphone captured portions of a conversation between PO Ridgner and PO Abramson. COPA's summary report described this conversation as the officers discussing a plan to characterize PO Ridgner's grabbing of [redacted] neck as an attempt to grab his shirt collar.

These are portions of the conversation that are audible:

- PO Abramson stated he was going to help PO Ridgner take [redacted] down but the crowd started grabbing him.[4]
- PO Ridgner and Abramson stated [redacted] was acting like he had a gun.[5]
- PO Abramson talked about when he turned on his BWC.[6]
- The officers talked about the delayed response and when they called for assistance.[7]
- PO Abramson stated that [redacted] "isn't going to dictate how that stop is going to go" and "isn't going to put hands on somebody" or "pull away." PO Abramson then talked about the crowd.[8]
- *PO Ridgner stated, "I'm going to say I tried to grab him by the collar" and PO Abramson stated, "And you immediately let him go, you didn't choke him."*[9]
- PO Abramson stated "why did he walk off like that, nobody else did."[10]

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[4] Attachment 37, 1:32-1:44
[5] *Id.* 2:03-2:17
[6] *Id.* 2:20
[7] *Id.* 2:45-3:08
[8] *Id.* 3:30
[9] *Id.* 3:55-4:16
[10] *Id.* 5:55

- PO Ridgner stated "I'm sorry, dog." PO Abramson responded "he looked at me dirty" and this "had to be done, they [the crowd] were going to be circling."[11]

[redacted] was charged by the CCSAO Felony Review Unit with Aggravated Battery to a Police Officer and was charged by the officers with misdemeanor Resisting.[12] The Detective Division reports were not included in COPA's case file. On 18 Dec 2020, the case against [redacted] was nolle pros. On 17 Feb 2021, [redacted] filed a civil complaint in federal court for excessive force and false arrest. On 18 Feb 2021, ABC Chicago showed video from the officers' BWCs and interviewed [redacted] and his attorney concerning [redacted] lawsuit.[13] COPA served the officers and supervisors with allegations and interviewed them in May 2021.

COPA sustained allegations against both officers that the stop and arrest of [redacted] were unlawful. PO Ridgner's TRR failed to state that he grabbed [redacted] by the neck. PO Ridgner wrote that he "attempted to grab [redacted] by the collar of his shirt for a takedown, but due to [redacted] height, [PO Ridgner] was unable to secure the appropriate grip, as a result [PO Ridgner] deemed it necessary to reassess the appropriate takedown technique."[14]

COPA asked PO Abramson in his interview about his statement "I'm going to catch a body today." PO Abramson described "I'm going to catch a body today" as meaning he would arrest the offender and described the statement as an attempt at de-escalation. COPA concluded these statements were willfully false and material to COPA's investigation.[15] COPA also concluded that Sgt Urban and Lt Keefe knowingly approved these false statements as a "willful attempt" to "a) remain ignorant of the incident" or "b) actively seek to obscure…the reports."[16]

II. Analysis

A. Analysis of the Investigatory Stop

An officer is authorized to stop a suspect for temporary questioning for a reasonable period of time when the officer has reasonable articulable suspicion the person is about to commit or has committed a crime.[17] Reasonable suspicion "should be founded on specific and objective facts or observations about how a suspect behaves, what the subject is seen or heard doing, and the circumstances or situation in regard to the suspect that is either witnessed or known by the officer."[18] "Reasonable articulable suspicion depends on the totality of circumstances which the sworn member observes and the reasonable inferences that are drawn based on the sworn member's training and experience."[19]

In this case, Officers Ridgner and Abramson provided the following factors as reasonable suspicion [redacted] was unlawfully carrying a handgun:

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[11] *Id.* 6:06-6:50
[12] Attachment 3
[13] Attachment 1 and 2
[14] Attachment 18
[15] COPA SR pg 12-13
[16] COPA SR pg 15-16
[17] S04-13-09-II-A and 725 ILCS 5/107-14
[18] S04-13-09-II-C
[19] *Id.*

- [redacted] was in an area where there was a gang conflict and there had been shootings and homicides related to this conflict.
- [redacted] appeared to be "surprised" when he saw the officers' vehicle (sitting up straight with a shocked look on his face)
- [redacted] adjusted his waistband
- [redacted] stood up from a group and "quickly" walked away from the officers by himself.

In *People v. Jackson*, officers observed Jackson wearing a backpack walking at a rapid pace while watching the officers' vehicle the entire time.[20] Ten minutes later, the officers again saw Jackson walking at a rapid pace "paying more attention to [the officers]." [21] The officers approached Jackson for a "field interview."[22] The officers described Jackson as acting "erratic," "speaking before [the officers] even asked questions, moving his arms, flailing about, moving backwards."[23] The officers put handcuffs on Jackson, conducted a protective pat down, and recovered a handgun. The Illinois Appellate Court held 1) Jackson's presence in a "high crime area" and 2) his "bizarre behavior" were two factual findings sufficient to support the officers' reasonable suspicion.[24]

In *People v. Salgado*, a police sergeant made eye contact with one of two men walking on the sidewalk.[25] The two men separated and one of the men was grabbing at a visible bulge on his waistband. The sergeant approached and told the man to lift his shirt. The man said he did not have to, while grabbing the object. The sergeant grabbed the object, which was a handgun. At trial, the sergeant testified he was patrolling the area designated as a "high threat gang conflict zone."[26] The court rejected Salgado's claim that the sergeant needed to see a gun to have reasonable suspicion to conduct the stop, noting that the possibility an innocent person may be briefly stopped by a police offer was an "acceptable risk that may be undertaken in the face of a reasonable suspicion of criminal activity."[27] The court held that Salgado's presence in a high crime area, his actions upon seeing the police, and his "fixation with an item on his waistband" provided "reasonable suspicion that criminal activity was afoot."[28]

The facts in this case are similar to *Jackson* and *Salgado*. Officers Ridgner and Abramson had reasonable suspicion to believe criminal activity was afoot when [redacted] looked surprised upon seeing the officers, adjusted his waistband, stood up, separated from a group, and quickly walked away from the officers, while being in a high crime area with an active gang conflict involving shootings and murders. COPA's description of [redacted] actions as "innocuous" and its conclusion that "the actions [redacted] took are a common reaction to observing a marked police vehicle pass by, especially in a community with known tensions between law enforcement and citizens" is a subjective comment with no citation or factual basis outside of the investigator's personal opinion.[29] First, the other people in the group [redacted] was sitting with did not have the same "common reaction" as [redacted] Second, the investigator's opinion that officers do not have reasonable suspicion criminal activity is afoot if the person's conduct has an innocent explanation has been considered and

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[20] *People v. Jackson*, 2012 IL App (1st) 103300
[21] *Id.* at ¶4
[22] *Id.* at ¶5
[23] *Id.*
[24] *Id.* at ¶21
[25] *People v. Salgado*, 2019 IL App (1st) 171377
[26] *Id.* at ¶7
[27] *Id.* at ¶33
[28] *Id.* at ¶32
[29] COPA SR pg. 10

rejected by Illinois courts and the U.S. Supreme Court.[30]

The Department believes that Allegation #3 against both Officers Ridgner and Abramson for detaining [redacted] without justification is *Unfounded.*

B. Analysis of [redacted] Battery to Officer Ridgner

In Illinois, a person commits a battery when the person knowingly and without legal justification 1) causes bodily harm, or 2) makes physical contact of an insulting or provoking nature.[31] A person commits an aggravated battery when the person commits a battery against a person he or she knows is a peace officer who is 1) performing official duties, 2) battered to prevent performance of official duties, or 3) battered in retaliation for performing official duties.[32]

A person resists or obstructs a police officer when a person 1) resists arrest, or 2) obstructs the performance of a person he or she knows is a peace officer engaged in an authorized act within his or her official capacity.[33] **A person is not authorized to use force to resist arrest which he knows is being made by a peace officer, even if he believes that the arrest is unlawful and even if the arrest is in fact unlawful.**[34]

On 23 August 2020, [redacted] was charged with felony aggravated battery to a police and with two counts of resisting arrest.[35] The felony charge was reviewed and approved by the Cook County State's Attorney's Office on the date of arrest.

In this case, COPA concluded:

> "While the act of pushing a peace officer can be a criminal act, the totality of the circumstances must be used to properly assess if the action is in fact criminal…Since [redacted] was not engaged in any criminal activity, and the Officers detained him based on a mere hunch, it was reasonable for [redacted] to rebuff Officer Ridgner's attempts to grab him. While [redacted] response was not ideal, it would not have caused a reasonable person to believe he had committed a crime…"[36]

COPA's belief that people have a right to slap away an officer's hands, or "rebuff" an officer, if they did not actually commit a crime, is incorrect. Under Illinois Law, when [redacted] slapped Officer Ridger's hands/arms, he made physical contact of an insulting or provoking nature to a person he knew was a uniformed police officer engaged in an authorized act within his official capacity. At that moment, there was probable cause to arrest [redacted] even if [redacted] was not committing a crime when Officer Ridgner initially stopped him.

The Department believes that Allegation #4 against both Officers Ridgner and Abramson for arresting [redacted] without justification is *Unfounded.*

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[30] "*Terry* accepts the risk that officers may stop innocent people." *Jackson*, 2012 IL App (1st) 103300 at ¶34 and *Wardlow*, 528 US 119, 126 (2000)
[31] 720 ILCS 5/12-3-a
[32] 720 ILCS 5/12-3.05-d-4(i-iii)
[33] 720 ILCS 5/31-1-a(1-2)
[34] 720 ILCS 5/7-7
[35] Attachment 3
[36] COPA SR pg 11

C. Analysis of Officer Ridgner's Use of Force

The Department's core principle is to seek to gain the voluntary compliance of subjects, when consistent with personal safety, to eliminate or reduce the need for force.[37] The Department requires that all uses of force must be "1) objectively reasonable, 2) necessary, and 3) proportional, under the totality of circumstances, in order to ensure the safety of a member or third person, stop an attack, make an arrest, control a subject, or prevent an escape."[38]

Reasonableness is not a precise definition or a mechanical application, but must be evaluated in light of the totality of circumstances with consideration for 1) whether the subject poses an imminent threat, 2) the risk of harm presented by the subject, and 3) the subject's access to weapons.[39]

The Department defines an active resister as a person who attempts to create distance between himself and the member's reach with the intent to avoid physical control or defeat arrest.[40] In response to an active resister, the Department authorizes officers to use the force option of a takedown, defined as the act of physically directing a subject to the ground to limit physical resistance, prevent escape, or increase the potential for controlling the subject.[41]

In this case, [redacted] slapped Officer Ridgner's hands/arms. In response, Officer Ridgner conducted two takedowns. The first takedown occurred when Officer Ridgner grabbed [redacted] around the neck with his left hand and pulled [redacted] down into a squatted position.[42] Officer Ridgner lifted [redacted] right leg, causing [redacted] to fall to a seated position.[43] Officer Ridgner then used his left hand to hold [redacted] neck and his right shoulder.[44] Officer Ridgner stated that [redacted] stood up.[45] Officer Ridgner stated he believed [redacted] was going to begin to fight.[46] The second takedown occurred when [redacted] pulled away from Officer Ridgner as Officer Ridgner grabbed [redacted] back (see photo #3).[47] Officer Ridgner grabbed [redacted] around the waist and threw [redacted] to the ground, where [redacted] struck his head on the sidewalk.[48]

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[37] G03-02-II-C
[38] G03-02-III-B
[39] G03-02-III-B-1
[40] G03-02-01-IV-B-2
[41] G03-02-01-B-2-c-3
[42] COPA SR pg 4
[43] *Id.*
[44] *Id.* Image 2.
[45] Attachment 25 at 34:50
[46] *Id.* COPA's interview combines these two takedowns and starting at 34:30 Officer Ridgner explains there are two separate takedowns during this event. During the second takedown, Officer Ridgner described seeing "pre-battery indicators" when [redacted] stood up
[47] Attachment 16.
[48] Attachments 4, 5, 16, and 25

Photo 1: Officer Ridgner pulls [redacted] by the neck during the first takedown
Photo 2: [redacted] is on the ground and Officer Abramson pushes away people in the crowd
Photo 3: Officer Ridgner on [redacted] back as [redacted] pulls away
Photo 4: Officer Ridgner turns and tosses [redacted] to the ground during the second takedown

1. Officer Ridgner's first takedown of [redacted]

Officer Ridgner stated that he grabbed [redacted] neck in an attempt to execute a takedown to arrest [redacted] for slapping his hands/arms.[49] Officer Ridgner was authorized to use a takedown in response to an active resister, but in order to comply with Department policy Officer Ridgner's actions needed to be objectively reasonable, necessary, and proportional. In this case, when Officer Ridgner grabbed [redacted] neck only seconds after [redacted] slapped away Officer Ridgner's hands, Officer Ridgner's use of force was ***not*** objectively reasonable, necessary, or proportional. At that moment, [redacted] did not pose an immediate threat. The risk of harm [redacted] posed was low. And, [redacted] did not have a weapon or access to a weapon.

The Department concurs that Allegation #1 alleging Officer Ridgner grabbed [redacted] by the neck/throat without justification has been properly *Sustained*. The Department also concurs that Allegation #2 against Officer Abramson for failure to report this excessive force used by Officer Ridgner against [redacted] is also properly *Sustained*.

2. Officer Ridgner's second takedown of [redacted]

Officer Ridgner stated when [redacted] stood up, Officer Ridgner believed [redacted] would become combative and Officer Ridgner used a "hip toss" for the second takedown. The POD video (photo #3) showed that [redacted] remained at least an active resister and was attempting to break away from Officer Ridgner. At this point, Officer Ridgner reasonably believed [redacted] was going to fight and his decision to perform an "emergency takedown" by use of a "hip toss" was objectively reasonable, necessary, and proportional. At the moment [redacted] stood up, [redacted] posed an immediate threat by behaving in a manner indicating he was going to fight. Due to [redacted] size advantage over Officer Ridgner, the risk of harm [redacted] posed was high, even though [redacted] did not have a weapon.[50]

The Department believes that Allegation #2 against Officer Ridgner for taking [redacted] to the ground without justification should be classified as *Unfounded*.

[49] COPA SR pg 3 Image 1
[50] Attachment 25 at 34:05, Officer Ridgner stated [redacted] was 6'3" or 6'4" and was significantly taller than Officer Ridgner.

D. Analysis of Officer Abramson's comments to the crowd

Officer Abramson's on-going combative words stating he was "going to catch a body" to a member of the crowd who was verbally threatening the officers was unprofessional and a violation of Department Rules.

Therefore, the Department concurs that Allegation #1 against Officer Abramson for stating words to the effect of, "I'm going to catch a body today" was properly *Sustained.*

E. Body Worn Camera (BWC) Discipline

In this case, Officers Ridgner and Abramson did not activate their BWCs until after force was used on [redacted] The BWC two minute buffer provided only video of the initial interaction.

The Department concurs Allegation #6 against both Officers Ridgner and Abramson that the officers failed to active their BWC in accordance with Department policy was properly *Sustained.*

F. Analysis of the Rule 14 Allegations (Making a False Report, Written or Oral):

Substantial evidence is required when sustaining an allegation.[51] A Rule 14 violation requires proof that a member's statement is 1) willfully false and 2) material.[52] "Material statements are those that have a natural tendency to influence, or are capable of influencing the person or body hearing the statement."[53] Statements that are not intended to influence anyone are not material and are not violations of Rule 14.[54] Obvious lies designed to avoid reporting of negative information about a fellow officer are willful and material.[55] Supervisors make willful and material false statements when they affirm a subordinate's false statements that the supervisor knows are false.[56]

1. COPA's evidence is sufficient to *Sustain* a Rule 14 violation against both Officers Ridgner and Abramson.

COPA found the following statements made by Officer Ridgner and Officer Abramson violated Rule 14:

1. Officer Ridgner intentionally omitted the fact that he grabbed [redacted] by the throat/neck and "planned to characterize his actions as a collar grab."[57] Officer Ridgner ultimately did characterize his actions as a collar grab in his Tactical Response Report (TRR) when he wrote that he "attempted a collar grab," but had to "reassess."[58] Based on the audio recording from the ICC microphone, Officer Abramson was aware that Officer Ridgner was intent on making this false representation.

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[51] S08-01-01-II-F-16-d
[52] "[A]s to Rule 14, it is well settled that in order to prove a Rule 14 violation, the Superintendent must prove that a Respondent's statement is willfully false and material, " In the Matter of Charges Filed Against Police Officer Tabitha Tabb, 19 PB 2957 (2019)
[53] Id. citing U.S. v. Akram, 152 F.3d 698,700 (7th Cir. 1998)
[54] In the Matter of Charges Filed Against Police Officer Tabitha Tabb, 19 PB 2957 (2019)
[55] Mondragon v. Police Board of City of Chicago, 2022 IL App (1st) 210068-U ¶19
[56] In the Matter of Charges Filed Against Police Sergeant Stephen Franko, 16 PB 2909 (2019)
[57] COPA SR pg 12
[58] Attachment 18

2. Officer Abramson's characterization of a death threat (to catch a body) as de-escalation was also "knowingly and willfully misleading."[59]

The video obtained in this investigation along with the audio recording from the ICC microphone were evidence of the officers' willful conduct. The Department, therefore, concurs that Allegation #5 was properly *Sustained* for both Officers Ridgner and Abramson and each officer violated Rule 14.

2. COPA's evidence is NOT sufficient to Sustain a Rule 14 violations against either Sergeant Urban or Lieutenant Keefe.

"It is well settled that in order to prove a Rule 14 violation, the Superintendent must prove that a Respondent's statement is willfully false and material."[60] Supervisors make willful and material false statements in violation of Rule 14 when they vouch for the accuracy of those false statements on official police reports.[61]

COPA's investigation did not produce evidence that Sergeant Urban and Lieutenant Keefe approved Officer Ridgner's and Abramson's TRRs with the willful intent to vouch for false statements or conceal misconduct. COPA's investigation does, however, reveal evidence of other rule violations related to the Sergeant Urban's and Lieutenant Keefe's failure to thoroughly review the TRRs.

A. Lieutenant Keefe

A supervisor who knowingly approves false statements on a police report violates Rule 14. Those are not the facts here. Lieutenant Keefe stated he was a new Lieutenant and was not familiar with reviewing TRRs.[62] He did not watch the BWC in its entirety.[63] He stated that in hindsight he made a mistake and upon viewing the evidence during his interview he no longer believed Officer Ridgner's actions were within Department Policy.[64]

B. Sergeant Urban

Like Lieutenant Keefe, Sergeant Urban failed to thoroughly review the officers TRRs, but he did not approve false statements. Sergeant Urban stated he was doing other things while reviewing the BWC.[65] Sergeant Urban stated Officer Ridgner did not need to include the fact that he grabbed [redacted] neck because describing the action as a "takedown" was sufficient.[66]

The Department believes that Allegation #1 and #2 against both Lieutenant Keefe and Sergeant Urban are properly *Sustained* because each of these supervisors failed to conduct a thorough review of the officers

[59] COPA SR pg 13
[60] Matter of Charges Filed Against Police Officer Tabitha L. Tabb, 19 PB 2957, finding No. 5
[61] Matter of Charges Filed Against Police Sergeant Stephen Franko, 16 PB 2909, finding No. 6
[62] Attachment 32 (Part 1) at 12:00
[63] Attachment 32 (Part 1) at 16:00
[64] Attachment 32 (Part 1) at 16:00 and Attachment 31 (Part 2) at 8:50 and 15:40
[65] Attachment 42 at 19:00
[66] Attachment 42 at 31:30

BWCs and their reports. The Department believes these Sustained Allegations were violations of Department Rules 5 and 6, but the evidence obtained did not support that either Lieutenant Keefe or Sergeant Urban willfully vouched for false statements and, therefore, these Sustained Allegations were not violations of Rule 14.

III. Conclusion

The Department concurs with COPA's *Sustained* findings for Officer Ridgner for Allegations #1, 5, and 6, and also concurs that Officer Ridgner violated Rule 14. The Department concurs with the penalty recommendation for *Separation.*

The Department concurs with COPA's *Sustained* findings for Officer Abramson for Allegations #1, 2, 5, and 6 and also concurs that Officer Abramson violated Rule 14. The Department concurs with the penalty recommendation for *Separation.*

The Department concurs with COPA's sustained findings for both Lieutenant Keefe and Sergeant Urban for Allegations #1 and #2, but does not concur that either violated Rule 14. The Department also does not concur with the penalty recommendation for Separation, and believes a more appropriate penalty for each supervisor would be a *thirty (30) day suspension* for violations of Rules 5 and 6.

CPD looks forward to discussing this matter with you pursuant to MCC-2-78-130(a)(iii).

Sincerely,

[redacted]

David O. Brown
Superintendent of Police
Chicago Police Department