



Log # 2024-0002193

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

### I. EXECUTIVE SUMMARY

On February 1, 2024, at 6:21 p.m., Lieutenant Anthony Schulz (Lt. Schulz) telephoned COPA to initiate a log number<sup>2</sup> regarding an incident that occurred in lockup with Detention Aide Julian Smith (DA Smith). The reporting lieutenant stated that while reviewing body-worn camera and lockup video<sup>3</sup> for a TRR investigation, he observed DA Smith inadvertently place his arm around the neck of the subject, ██████████ (██████████) during a use-of-force incident.<sup>4</sup> The incident occurred while DA Smith and other CPD members were attempting to place ██████████ into a cell. Lt. Schulz reported that ██████████ refused multiple lawful orders to go into his cell, and he was violently resisting both detention aides and officers.<sup>5</sup>

Following its investigation, COPA determined that DA Smith did not commit misconduct during this incident.

### II. SUMMARY OF EVIDENCE<sup>6</sup>

On January 31, 2024, DA Smith was sitting at the desk in lockup, watching the computer monitor, when he observed ██████████ enter the lockup area to be photographed and fingerprinted. DA Smith said that ██████████ was hostile and verbally aggressive upon entering lockup.<sup>8</sup> Once ██████████ was photographed and fingerprinted, DA Smith heard ██████████ verbally going back and forth with his partner, DA Klarence Campbell (DA Campbell).<sup>9</sup> ██████████ was assigned to cell number seven, which is at the end of the hallway,<sup>10</sup> but he refused to enter the cell.<sup>11</sup>

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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> Atts. 7, 15.

<sup>3</sup> Atts 3, 4, 13.

<sup>4</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>5</sup> Att. 7

<sup>6</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 footage, lockup video, CPD member interviews, and CPD reports.

<sup>7</sup> Att. 1

<sup>8</sup> Att. 20, Pg. 6, Ln. 12-13, Pg. 7, Ln.9-13.

<sup>9</sup> Att. 20, Pgs. 8-9, Ln. 18-24, Ln. 1-12.

<sup>10</sup> Att. 20, Pg. 9, Ln.11-14.

<sup>11</sup> Att. 20, Pg. 6, Ln. 17-19.

DA Smith and CPD officers decided to assist DA Campbell by maintaining the members' presence and keeping a close distance to ██████ and by attempting to convince ██████ to enter the cell.<sup>12</sup> DA Smith stated that initially, he stood there and tried to talk to ██████<sup>13</sup> DA Smith tried to de-escalate the situation when he told ██████ that he did not have to go into cell number seven, and it was not a big deal. However, ██████ remained aggressive and stated that he was not going into any cell.<sup>14</sup> ██████ used abusive and profane language, and failed to follow verbal direction.<sup>15</sup>

Before DA Smith met ██████ was on the other side of the lockup, angry, and he verbally fought with the lieutenant and the arresting officers while beating on the doors. DA Smith reported that ██████ was still in that mode when ██████ got to him.<sup>16</sup> He was aggressive, with a clenched fist and a bladed stance, as if he were ready to fight.<sup>17</sup> ██████ proceeded to walk away from cell number seven and tried to brush past everyone.<sup>18</sup> DA Smith stated that due to ██████ resistance and clenched fists, he was considered an assailant under CPD's use of force model.<sup>19</sup> DA Smith believed his partner, DA Campbell, might have grabbed ██████ first, but he was not sure. DA Smith tried to reach for ██████ upper body,<sup>20</sup> when both DA Smith and the officers grabbed ██████ and placed him in cell number four.<sup>21</sup>

DA Smith further explained, in detail, how he grabbed ██████ almost in a bear hug because he did not want to strike ██████<sup>22</sup> DA Smith said he grabbed ██████ from behind after ██████ brushed past him. DA Smith stated that when he grabbed ██████ it seemed like his arm slightly went up on ██████ neck for a brief moment.<sup>23</sup> DA Smith said ██████ was fighting and trying to kick the officers to avoid being handcuffed.<sup>24</sup> ██████ stiffened his body, kicked, and flailed his arms.<sup>25</sup> DA Smith said that he did not intentionally move towards ██████ neck. Still, during the scuffle, and due to ██████ movements, there were a few seconds when DA Smith grabbed ██████ around his neck; however, DA Smith told COPA that he immediately shifted his other arm to make sure he was not choking ██████<sup>26</sup> DA Smith, who watched the lockup video<sup>27</sup> before his statement, further explained that he readjusted his grip and put his left arm under ██████ armpit, and his right arm across ██████ shoulder and under his chin.<sup>28</sup> DA Smith described it as like a "cross-body grab."<sup>29</sup>

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<sup>12</sup> Att. 20, Pg. 6, Ln. 19-24.

<sup>13</sup> Att. 20, Pg. 9, Ln 21-24.

<sup>14</sup> Att. 20, Pg. 10, Ln. 1-6.

<sup>15</sup> Att. 20, Pg. 8, Ln. 17-24.

<sup>16</sup> Att. 20, Pgs. 15-16, Ln. 19-24, 1-6.

<sup>17</sup> Att. 20, Pg. 7, Ln.11-13.

<sup>18</sup> Att. 20, Pg. 7, Ln 1-3; Att. 3 beginning at 7:54:15.

<sup>19</sup> Att. 20, Pg. 9, Ln. 14-18, Pg. 29, Ln. 6-24.

<sup>20</sup> Att. 20, Pg. 10, Ln 22-24.

<sup>21</sup> Att. 20, Pg. 7, Ln 1-3; Att 3 beginning at 7:55:15.

<sup>22</sup> Att. 20, Pg. 11, Ln. 9-14.

<sup>23</sup> Att. 20, Pg 11, Ln. 15-24; Att. 4 beginning at 7:55:30.

<sup>24</sup> Att. 20, Pgs. 12-13, Ln. 20-14, Ln. 1-2.

<sup>25</sup> Att. 20, Pg 13, Ln. 8-11.

<sup>26</sup> Att. 20 Pgs.13-14, Ln. 20-24, Ln. 1-3.

<sup>27</sup> Atts. 3, 4.

<sup>28</sup> Att. 20, Pg. 12, Ln. 10-12.

<sup>29</sup> Att. 20, Pg. 12, Ln.13-14.

DA Smith disagreed with the allegation against him and added that he used the appropriate amount of force. He said his arm was around ██████ neck for less than a second, and he never intentionally choked ██████ or cut off his airway.<sup>30</sup> DA Smith completed a TRR<sup>31</sup> for the incident, documenting his physical contact with ██████ as well as ██████ actions.

Sergeant (Sgt.) Curia essentially related the same version of the events as DA Smith, but added that ██████ was combative and argumentative while being walked to lockup before coming in contact with DA Smith. Sgt. Curia stated that ██████ continued to be disruptive and did not follow the verbal directions given by the two detention aides.<sup>32</sup> Sgt. Curia explained that DA Smith gave ██████ multiple reasons to follow verbal direction, and when he did not, DA Smith put one arm under ██████ arm and the other arm on the top of ██████ chest to gain control, and he escorted ██████ into the cell.<sup>33</sup> Sgt. Curia added that ██████ was an active resister to low-level assailant. Sgt. Curia explained that ██████ was an active resister because he made movements to avoid physical control, but he was also a low-level assailant due to his combative demeanor.<sup>34</sup>

Sgt. Curia said that the two detention aides, DAs Smith and Campbell, are skilled at addressing people's attitudes and similar issues, which is beneficial.<sup>35</sup> Sgt. Curia watched his body-worn camera video<sup>36</sup> and the lockup video from camera 5.<sup>37</sup> He further stated that after watching the videos, he observed the detention aides attempting to de-escalate the situation and escort ██████ to his cell. Still, ██████ remained combative, argumentative, hostile, and did not cooperate.<sup>38</sup>

Sgt. Curia added that he and DAs Campbell and Smith walked towards ██████ simultaneously when ██████ said he wanted to leave lockup. Sgt. Curia was right behind ██████ when he observed DA Smith act, and then he placed a handcuff on ██████ left hand.<sup>39</sup> Sgt. Curia stated that, based on his experience as a sergeant, he believed DA Smith's actions were reasonable.<sup>40</sup> Sgt. Curia explained that DA Smith "grabbed [██████] in a way that would, essentially, diffuse the situation of him being able to swing on and hurt anybody else by placing his -- by Smith putting his left arm underneath [██████] arm to prevent him from moving but also not -- preventing him from choking him, and then putting his right arm underneath there to control him to walk him into the cell."<sup>41</sup> Sgt. Curia stated that ██████ never complained of being unable to breathe, and he did not recall if ██████ complained about having been injured.<sup>42</sup>

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<sup>30</sup> Att. 20, Pg. 31, Ln. 8-13.

<sup>31</sup> Att. 15.

<sup>32</sup> Att. 19, Pg. 11, Ln. 1-3.

<sup>33</sup> Att. 19, Pg. 11, Ln. 14-22.

<sup>34</sup> Att. 19, Pgs. 18-19, Ln. 23-24, Ln. 1-5.

<sup>35</sup> Att. 19, Pg. 18, Ln. 15-16.

<sup>36</sup> Att. 10.

<sup>37</sup> Att. 3.

<sup>38</sup> Att. 19, Pg. 18, Ln. 18-22.

<sup>39</sup> Att. 19, Pg. 19, Ln. 8-10.

<sup>40</sup> Att. 19, Pgs. 23-24, Ln. 23-24, Ln. 1-3.

<sup>41</sup> Att. 19, Pg. 24-25, Ln. 19-1.

<sup>42</sup> Att. 19, Pg. 26, Ln. 4-10.

### III. ALLEGATION

#### Detention Aide Julian Smith

1. Placed his arm around ██████████ neck area without justification.  
-- Exonerated

### IV. CREDIBILITY ASSESSMENT

An individual's credibility 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 interviewed Sgt. Curia and DA Smith, and the information they provided to COPA was consistent and corroborated by the evidence obtained during the investigation. Thus, COPA finds the members' statements regarding the incident generally credible.

### V. ANALYSIS<sup>43</sup>

COPA finds Allegation 1 against DA Smith, that he placed his arm around ██████████ neck area without justification, is **Exonerated**.

The evidence clearly shows that DA Smith used force during this incident. Under CPD policy, members may only use force that is objectively reasonable, necessary, and proportional, under the totality of the circumstances, to provide for the safety of any person or CPD member, stop an attack, make an arrest, bring a person or situation safely under control, or prevent escape.<sup>44</sup>

CPD members are authorized to use various force options when met with resistance or threats. 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 is an active resister.<sup>45</sup> Additionally, when a member encounters a person who is using or threatening to use force that is likely to cause physical injury, that person is an assailant.<sup>46</sup>

A review of available video footage<sup>47</sup> shows ██████████ actions and his uncooperative behavior. The videos corroborate CPD reports as well as the statements from DA Smith and Sgt. Curia. As documented in the Initiation Report, this matter came to COPA's attention because the reporting lieutenant stated that while trying to gain control of ██████████ DA Smith inadvertently

<sup>43</sup> For a definition of COPA's findings and standards of proof, see Appendix B.

<sup>44</sup> Att. 22, G03-02 III(B), De-escalation, Response to resistance, and Use of Force (effective June 28, 2023, to present).

<sup>45</sup> Att. 21, G03-02-01 IV(B)(2), Response to Resistance and Force Options (effective June 28, 2023 to present)

<sup>46</sup> Att. 21, G03-02-01 IV(C).

<sup>47</sup> Atts. 3, 4, 10, and 13: Cam10 lockup cell video, Lockup Cam5 Cell 4 video, Sgt. Curia's body-worn camera video and Officer Saleh's body-worn camera video.

placed his arm around ██████ neck during a use-of-force incident while ██████ was violently resisting both detention aides and officers.<sup>48</sup>

DA Smith told COPA that when he grabbed ██████ body to gain control, he unintentionally placed his arm around ██████ neck area, but then readjusted his arm. The video corroborates this account, showing ██████ moving his body, clenching his fists, yelling, resisting, and stiffening his body. As ██████ resisted, DA Smith's arm slipped to ██████ neck area.<sup>49</sup>

DA Smith's actions escalated when ██████ actions escalated; however, there was no malicious intent on the part of DA Smith. The evidence is consistent with his statement that he did not intentionally place his arm around ██████ neck. ██████ did not complain of being unable to breathe but rather yelled the entire time and resisted the verbal directions of the detention aides and officers. DA Smith did not appear to use deadly force during this confrontation and was performing his duty in attempting to gain control of the arrestee.

As previously noted, CPD members are required to complete a TRR for all reportable use of force incidents.<sup>50</sup> In this case, DA Smith completed a TRR documenting his use of force on ██████. The TRR documents that ██████ did not follow verbal directions, made verbal threats, stiffened his body, posed an imminent threat of battery with no weapon, and physically obstructed the CPD members. DA Smith responded with member presence, zone of safety, verbal direction and control techniques, a body lock, and a take-down.<sup>51</sup>

Given the totality of the circumstances, COPA finds that DA Smith's use of force was objectively reasonable, necessary, and proportional to the threat and level of resistance posed by ██████. For all these reasons, COPA finds that Allegation 1 against DA Smith is **Exonerated** by clear and convincing evidence.

Approved:

██████████

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*Steffany Hreno*  
*Acting Deputy Chief Administrator*

7/27/2025

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Date

<sup>48</sup> Att. 7.

<sup>49</sup> Atts. 3, 4.

<sup>50</sup> Att. 23, G03-02-02 III(A)(1) (a-e). Incidents Requiring the Completion of a Tactical Response Report. (effective June 28, 2023, to present).

<sup>51</sup> Att. 15.

## Appendix A

### Case Details

Date/Time/Location of Incident:	January 31, 2024 / 7:54 pm / 7808 S. Halsted Street (006 <sup>th</sup> District lockup)
Date/Time of COPA Notification:	February 1, 2024 / 6:21 pm
Involved Member #1:	Detention Aide Julian Smith, Employee ID # [REDACTED] DOA: April 2, 2012, Unit of Assignment: 006, Male, Black.
Involved Member #2	Sergeant Jeffery Curia, Star#1526, Employee ID # [REDACTED] DOA: April 2, 2007, Unit of Assignment: 006, Male, Hispanic.
Involved Individual	[REDACTED] [REDACTED] Unknown address, Black, Male.

### Applicable Rules

- Rule 1:** Violation of any law or ordinance.
- 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 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.

### 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)
- G03-02-02: Incidents Requiring the Completion of a Tactical Response Report. (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>52</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>53</sup>

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<sup>52</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>53</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