



Log # 2024-0003882

FINAL SUMMARY REPORT¹

I. EXECUTIVE SUMMARY

On May 6, 2024, the Civilian Office of Police Accountability (COPA) received an Initiation Report from Lieutenant (Lt.) Thelma Vega reporting alleged misconduct by a member of the Chicago Police Department (CPD).² Lt. Vega alleged that on May 1, 2024, Officer Ruben Torres kicked [REDACTED] while they³ were handcuffed on the ground.⁴ Upon review of the evidence, COPA served an additional allegation that Officer Torres failed to complete a Tactical Response Report (TRR). In addition, COPA also alleged that Officer Phillip Khuu used excessive force while interacting with [REDACTED]

Following its investigation, COPA reached sustained findings regarding the allegations against Officer Torres and exonerated findings against Officer Khuu.

II. SUMMARY OF EVIDENCE⁵

On May 1, 2024, officers were detailed to the 12th District to maintain security during a protest. Protestors were located on the sidewalk in front of 1035 W. Randolph Street, which is known as McDonalds Headquarters. Officers Torres, Khuu, and Luis Otero were listening to the radio when a dispatcher announced that protestors were throwing fireworks at officers. Officers Torres, Khuu, and Otero went to the above location, and once they arrived at the scene, CPD command gave orders to encircle the protestors. While performing this duty, Officer Khuu made his way to the outside patio area of McDonalds, where [REDACTED] struck Officer Khuu with the front tire of [REDACTED] bicycle.⁶ [REDACTED] attempted to further use the bicycle to escape Officer Otero, but Officer Otero was able to gain control of [REDACTED] arm and conduct an emergency take down.⁷

¹ 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.

² Att. 1.

³ While there are instances in the record where [REDACTED] is referred to as a female, COPA was unable to interview [REDACTED] and inquire regarding preferred pronouns. For that reason, COPA has opted to use they/them in this report.

⁴ 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.

⁵ 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, and officer interviews.

⁶ Att. 15 at 2:21; Att. 16 at 2:37.

⁷ Att. 19 at 2:50; Att. 45, pg. 10, Ins. 10 to 23.

Once ██████ was on the ground, Officers Otero and Khuu gained control of ██████ arms and placed ██████ in handcuffs. ██████ resisted the officers by stiffening and hiding their hands towards their upper body.⁸ At one point during this struggle, Officer Khuu pushed ██████ head into the ground.⁹ Officers Khuu, Otero, and Torres told COPA that ██████ stiffened their body, was flailing, kicking, and moving their head in a way that made them an active resister.¹⁰ Officer Otero told COPA that ██████ attempted to tuck in their hands in order to resist being handcuffed.¹¹ Officer Khuu used his hand to apply pressure to ██████ head area, which was covered by an orange helmet, and officers were then able to handcuff ██████¹² After ██████ was handcuffed, Officer Torres kicked ██████ in the groin area.¹³ Officer Torres explained to COPA that he observed something black between ██████ legs and thought it could have been fireworks, so he attempted to kick the item out of the way.¹⁴ Officer Torres told COPA that he did not recall kicking ██████ and if he made contact with ██████ groin area, it was unintentional.¹⁵

Once ██████ was in custody, Officers Khuu and Torres went to assist other officers. At that point, they noticed that ██████ was attempting to wrest control from Officer Otero, so they both assisted in escorting ██████ to the wagon. While walking to the wagon, ██████ yelled words to the effect of, “CPD, KKK. How many kids did you kill today?”¹⁶ According to Officer Khuu, ██████ produced spit while yelling.¹⁷ Officer Khuu then took his right hand and placed it into the holes of ██████ helmet to push their head down and avoid being spat on.¹⁸ Other officers took custody of ██████ and ██████ was transported to the 12th District station for processing. While there, officers requested an ambulance for ██████ due to them vomiting, but ██████ refused to go to the hospital.¹⁹

Officer Torres did not complete a TRR for his interaction with ██████ Officer Torres indicated that he did not complete a TRR because he did not use force to put handcuffs on ██████ Officer Torres mentioned “the light footing”²⁰ he used, but he stated that did not require the completion of a TRR because he did not make contact with ██████ he just kicked an object away.²¹

⁸ Att. 19 at 2:56 to 3:03.

⁹ Att. 19 at 2:56.

¹⁰ Att. 34, pg. 11, lns. 12-15; Att. 38, pg. 9, lns. 18 to 21 and pgs.13-14; Att. 45, pg. 11, lns. 19 to 23 and pg. 12, lns. 1 to 5.

¹¹ Att. 45, pg. 11, lns. 21 to 22.

¹² Att. 16, at 2:43 minutes.

¹³ Att. 19 at 3:18 to 3:20; Att. 20, a slowed down version of Officer Otero’s BWC at 0.01 to 0.06.

¹⁴ Att. 34, pg. 13, lns.12 to 17.

¹⁵ Att. 34, pg. 13, lns. 18 to 24.

¹⁶ Att. 45, pg. 14, lns. 6 to 7.

¹⁷ Att. 38, pg. 11 lns. 9 to 19.

¹⁸ Att. 16 at 3:44 to 3:55; Att. 23 at 3:17.

¹⁹ Att. 14.

²⁰ Att. 34, pg. 21, ln. 18.

²¹ Att. 34, pg. 22, lns. 9 to 10.

III. ALLEGATIONS²²

Officer Ruben Torres:

1. Striking Olgulemar [REDACTED] while handcuffed, without justification.
 - Sustained, Violation of Rules 2, 3, 6, 8, and 9.
2. Failing to complete a Tactical Response Report documenting the use of force on Olgulemar [REDACTED]
 - Sustained, Violation of Rules 5, 6, and 10.

Officer Phillip Khuu:

1. Pushing the head of Olgulemar [REDACTED] into the ground without justification.
 - Exonerated
2. Using excessive force while escorting Olgulemar [REDACTED] without justification.
 - Exonerated

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.

Witness and accused CPD members provided accounts of this incident that were largely consistent with each other and the available BWC recordings and CPD reports. Thus, COPA finds the officers' statements about this incident generally credible. Furthermore, this investigation did not reveal any additional evidence that caused COPA to question the credibility of any of the sworn individuals who provided statements regarding the use of force allegations.

Despite COPA's multiple attempts to speak to [REDACTED] did not provide COPA with a formal statement regarding this incident. As such, COPA was unable to fully assess their credibility.²³

²² [REDACTED] name is spelled [REDACTED] on the arrest report and criminal docket. However, the notification of allegations spell it as Olgulemar, which is a scrivener's error. See Atts. 32 and 35.

²³ See notes: CO- 1436012, CO-1433409, CO-1433241, and CO-1395457; Att. 42.

V. ANALYSIS²⁴

a. Officer Torres's Use of Force

COPA finds allegation #1 against Officer Torres, that he struck ██████ while handcuffed without justification, is Sustained. According to CPD policy, CPD members' uses of force must be objectively reasonable, necessary, and proportional to the threat, actions, and level of resistance offered by a person, under the totality of the circumstances.²⁵ The policy also provides that CPD members will refrain from using force against a person who is fully restrained and controlled with handcuffs or other restraining devices, unless the member must act to prevent injury or escape.²⁶ Members should continually assess the need for force and whether alternatives may be employed, including the use of de-escalation techniques, other response options, and the availability of other resources.²⁷ Furthermore, direct mechanical strikes²⁸ such as kicks, may only be used against assailants, not active resisters.²⁹ CPD defines an assailant as "a person who is using or threatening the use of force against another person or himself/herself which is likely to cause physical injury."³⁰ CPD policy defines an active resister as a person who attempts to create distance between himself or herself and the CPD member with the intent to avoid control or defeat an arrest.³¹

Here, the BWC video footage clearly shows that ██████ was an active resister and not an assailant when Officer Torres kicked ██████ in the groin area.³² ██████ was handcuffed, lying face down on the ground, with two officers trying to stand ██████ up. ██████ was not using or threatening to use force that was likely to cause physical injury in the moments prior to Officer Torres's kick to the groin area. Rather, ██████ was an active resister, who was attempting to create distance and avoid arrest, by flailing their arms, hiding their hands, and stiffening their body.

In his statement to COPA, Officer Torres stated that he observed something black between ██████ legs. Officer Torres believed it may have been fireworks, so he attempted to kick the item out of the way.³³ Officer Torres told COPA that he did not recall if he made contact with ██████ groin area but said that if he did, it was unintentional. After watching his BWC, Officer Torres realized that the item he attempted to kick out of the way was a pair of glasses between ██████ legs.³⁴ While COPA acknowledges Officer Torres' explanation, the fact remains that ██████ was not an assailant when the officer kicked ██████. Thus, Officer Torres's use of a mechanical strike

²⁴ For a definition of COPA's findings and standards of proof, *see* Appendix B.

²⁵ Att. 46, G03-02(III)(B), De-Escalation, Response to Resistance, and Use of Force (effective June 28, 2023, to present).

²⁶ Att. 39, G03-02-01(II)(G), Response to Resistance and Force Options (effective June 28, 2023 to present).

²⁷ Att. 39, G03-02-01(II)(B).

²⁸ Direct mechanical techniques are defined as a "forceful, concentrated striking movement such as punching and kicking..." See Att. 39, G03-02-01(IV)(C)(a)(1).

²⁹ Att. 39, G03-02-01(IV)(C)(1)(a)(1).

³⁰ Att. 39, G03-02-01(IV)(C).

³¹ Att. 39, G03-02-01(IV)(B)(2).

³² Att. 19 at 3:08 to 3:20.

³³ Att. 34, pg. 13, lns.12 to 17.

³⁴ Att. 34, pg. 13, lns. 20 to 24.

violated CPD policy. Accordingly, COPA finds Allegation #1 against Officer Torres is **sustained** by a preponderance of the evidence, in violation of CPD Rules 2, 3, 6, 8, and 9.

b. Whether Officer Torres was required to complete a TRR

COPA finds Allegation #2 against Officer Torres, that he failed to complete a TRR, is also Sustained. CPD members are required to complete a TRR detailing their use of force when the force involves an individual who is injured or alleges injury, is an active resister or an assailant, actively obstructs a member by using a physical act directed at the member, or physically attacks a member.³⁵ Additionally, the use of force against a restrained individual, and the use of direct mechanical techniques such as kicks, also require the completion of a TRR.³⁶ Here, the BWC footage shows that [REDACTED] was handcuffed at the time Officer Torres kicked [REDACTED] in the groin area. While Officer Torres may not have intended to kick [REDACTED] the evidence demonstrates that he did. Therefore, under CPD policy, Officer Torres was required to complete a TRR documenting his use of force.³⁷ Accordingly, COPA find Allegation #2 against Officer Torres is **sustained**, in violation of CPD Rules 5, 6, and 10.

c. Excessive Force Allegations against Officer Khuu

COPA finds Allegation #1 against Officer Khuu, that he pushed [REDACTED] head into the ground without justification, is Exonerated. COPA finds that when Officer Khuu pushed [REDACTED] helmet to the ground, it was a technique to gain control of [REDACTED] who was actively resisting the officers.

CPD policy provides that “Department members’ use of force must be objectively reasonable, necessary, and proportional under the totality of the circumstances, including using the minimum amount of force needed under the circumstances.”³⁸ CPD policy describes different levels of resistance and allows for specific actions to be used for each type of resister. A passive resister is “person who fails to comply (non-movement) with verbal or other direction.”³⁹ CPD policy permits members who encounter passive resistance to employ holding techniques such as a “firm grip, grabbing an arm, wristlocks, and come-along holds (i.e., escort holds that are not elevated to compliance techniques), as well as any combination of the above.”⁴⁰ Additionally, the policy defines an active resister as a “person who attempts to create distance between himself or herself and the member’s reach with the intent to avoid physical control and/or defeat the arrest.”⁴¹

³⁵Att. 40, G03-02-02(III)(A)(1)(a-e), Incidents Requiring the Completion of a Tactical Response Report (effective June 28, 2023, to present.)

³⁶ Att. 40, G03-02-02(III)(A)(2)(a)-(b).

³⁷ Att. 40, G03-02-02(II)(A)(1)(b).

³⁸ Att. 39, G03-02-01(IV)(A).

³⁹ Att. 39, G03-02-01(IV)(B)(1).

⁴⁰ Att. 39, G03-02-01(IV)(B)(1)(a-d).

⁴¹ Att. 39, G03-02-01(IV)(B)(2).

Against active resisters, CPD members may utilize such techniques as stunning, OC spray, takedowns, or a Taser.⁴²

Officer Khuu told COPA that ██████ was an active resister due to their flailing, kicking, moving their head, trying to get back up, and refusing to give the officers their arms.⁴³ Due to ██████ active resistance, Officer Khuu was authorized to use techniques such as stunning or a takedown. Nevertheless, Officer Khuu limited his force to techniques more suitable for a passive resister. Specifically, he pushed ██████ head to the ground as a way of controlling ██████⁴⁴ Because Officer Khuu merely held ██████ head to the ground, and ██████ was wearing a helmet at the time, COPA finds that Officer Khuu's action was an appropriate use of force under the circumstances. For the foregoing reasons, COPA finds allegation #1 is **Exonerated**.

COPA finds Allegation #2 against Officer Khuu, that he used excessive force when he pushed ██████ head down while he escorted ██████ to the police wagon, is Exonerated. The evidence shows that Officer Khuu used appropriate techniques to control ██████ as they walked to the transport vehicle.

While escorting ██████ to the transport vehicle, ██████ was screaming a protest chant, which Officer Khuu told COPA produced spit. Officer Khuu placed his right hand into the holes on ██████ bicycle helmet and moved ██████ head down to eliminate the possibility of being spat on again.⁴⁵ Under these circumstances, Officer Khuu was justified in pushing Freye's head away as a way of redirecting any ejection of saliva. Therefore, allegation #2 is **Exonerated**.

VI. DISCIPLINARY RECOMMENDATION

a. Officer Ruben Torres

i. Complimentary and Disciplinary History⁴⁶

Officer Torres has received 71 various awards, including 66 Honorable Mention Certificates and one Department Commendation. Officer Torres has one sustained violation for failure to correctly use his Body Worn Camera (BWC), for which he received a reprimand. In addition, he has one SPAR for a uniform violation, which resulted in a reprimand.

ii. Recommended Discipline

COPA has found that Officer Torres violated Rules 2, 3, 5, 6, 8, 9, and 10 when he kicked ██████ in the groin area without justification, and failed to complete a TRR documenting his use

⁴²Att. 39, G03-02-01(IV)(B).

⁴³Att. 38, pg. 9, lns. 18 to 21.

⁴⁴Att. 19 at 2:56.

⁴⁵Att. 38, pg. 11, lns. 9 to 19.

⁴⁶Att. 47.

of force. In mitigation, COPA notes that the kick did not appear to be very hard and there is no evidence it caused injury to [REDACTED]. Additionally, Officer Torres explained that he was attempting to move an object near [REDACTED] legs, and any contact was unintentional. COPA further notes that Officer Torres did not believe he had done anything that would have caused him to complete a TRR. For these reasons, COPA recommends he receive a **reprimand** and **retraining** regarding G03-02 and G03-02-02.

Approved:

[REDACTED]

Steffany Hreno
Acting Deputy Chief Administrator

8/31/2025

Date

Appendix ACase Details

Date/Time/Location of Incident:	May 1, 2024/7:38PM/1035 W. Randolph St. Chicago, IL, 60607
Date/Time of COPA Notification:	May 6, 2024/ 1:33AM
Involved Member #1:	Phillip Khuu, star #5394, employee ID# [REDACTED] DOA: June 25, 2018, Unit: 003, male, Asian Pacific Islander
Involved Member #2:	Ruben Torres, star #15612, employee ID# [REDACTED] DOA: March 16, 2018, Unit: 003, male, White Hispanic
Involved Member #3:	Luis Otero II, star #3276, employee ID# [REDACTED] DOA: November 27, 2018, Unit: 012, male, White Hispanic
Involved Individual #1:	[REDACTED] Female, ⁴⁷ White Hispanic

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

- G03-02-02, Incidents Requiring the Completion of a Tactical Response Report (effective June 28, 2023, to present).
- G03-02-01, Response to Resistance and Force Options (effective June 28, 2023, to present).
- G03-02, De-Escalation, Response to Resistance, and Use of Force (effective June 28, 2023 to present).

⁴⁷ COPA used female here due to the gender listed on [REDACTED] license and in certain police reports.

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.⁴⁸ 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.”⁴⁹

⁴⁸ 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).

⁴⁹ *People v. Coan*, 2016 IL App (2d) 151036, ¶ 28 (quoting Illinois Pattern Jury Instructions, Criminal, No. 4.19 (4th 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