



Log #2021-0004827

FINAL SUMMARY REPORT¹

I. EXECUTIVE SUMMARY

On December 4, 2021, the Civilian Office of Police Accountability (COPA) received an Initiation Report² from Lieutenant Andrew Dakuras reporting alleged misconduct by a member of the Chicago Police Department (CPD).³ It is alleged that Officer Thompson grabbed [REDACTED] by the throat. Following its investigation, COPA reached Sustained findings regarding the allegation.

II. SUMMARY OF EVIDENCE⁴

On December 4, 2021, at approximately 1:31 pm, Officers John Thompson and Antonio Rosas were on routine patrol when they responded to a disturbance at Amstar Gas Station, located at 5501 South Ashland.⁵ [REDACTED] was lingering, loitering, and harassing customers. Officer Rosas spoke with [REDACTED] and informed him that this was the second time they had been dispatched to the location to address his continuing presence at the gas station.⁷ The gas station owners expressed their desire to sign complaints and have [REDACTED] arrested. The owners stated that [REDACTED] was under the influence and had been harassing customers.

[REDACTED] admitted that he was trying to get bus money from the customers to go home but refused to give any information to the officers about his identity. Officer Thompson ordered [REDACTED] to stay away from the area and warned him if he returned, he would be arrested.⁸ Shortly afterward, Officer Bodnar returned to the scene.⁹ [REDACTED] continued to argue that he was on public property and refused to leave the premises or provide his personal identifying information.

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. 2.

³ 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.

⁴ 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 (BWC) footage, Arrest Report, Tactical Response Report (TRR), Case Reports, Event Query, Police Observation Device (POD) footage, officer interviews, Medical Records, and Evidence Technician photographs.

⁵ Att. 7, Event Query Report; Att. 31, CPD Case Report JE465680.

⁶ COPA attempted to interview [REDACTED] but was denied by Cook County Public Defender Attorney Kyle Lappin.

⁷ Att. 31, Officer Catherine Bodnar, # 19048, had been dispatched to this location earlier and ordered [REDACTED] to stay away from the gas station. [REDACTED] was warned that if he returned, he would be arrested for trespassing.

⁸ Att. 8, body worn camera (BWC) of Officer Thompson, at 4:28.

⁹ Att. 8, at 5:01.

Officer Bodnar made the decision to arrest ██████¹⁰ ██████ started resisting by stiffening his body and clasping his hands together.¹¹ As ██████ resisted, he repeatedly stated, “I was about to leave, I was going to walk away.”¹² While attempting to handcuff ██████ Officer Thompson performed a protective pat-down and discovered a pocket knife and drug paraphernalia in his pockets.¹³ ██████ continued to refuse to put his hands behind his back, despite being given verbal directions multiple times from officers. Officer Thompson removed his ASP baton from his duty belt to control ██████ arms and loosen his grip, but ██████ continued to clasp his hands together.¹⁴ Officer Rosas was able to grab ██████ hands and secured two sets of handcuffs on his wrist.

As the officers walked ██████ towards the police squadrol, ██████ continued to stiffen his body and push back against them.¹⁵ ██████ complained of a broken wrist as he continued to resist.¹⁶ Officer Thompson entered the squadrol to try to lift ██████ into the vehicle, but ██████ kicked and pushed towards the officers. Officer Thompson exited the squadrol and placed his hands around the neck area of ██████¹⁷ During his statement to COPA, Officer Thompson stated that he placed his hands around ██████ neck to create distance and to avoid being injured.¹⁸ ██████ kicked at the officers with his legs. The officers held ██████ legs and applied leg irons to control his movement. ██████ continued to kick the officers,¹⁹ Officer Thompson used his left hand to grab ██████ shirt for control and closed fist push ██████ to create distance to avoid being kicked.²⁰

Additional officers arrived on the scene, and Officer Thompson explained to officers that ██████ was kicking and headbutting. As Officer Thompson was speaking to the officers, he abruptly stopped speaking and placed his hands around ██████ neck area and stated, “Stop fucking grabbing me...get your hands off of me... he is grabbing for my fucking weapon.”²¹ During his statement with COPA, Officer Thompson stated that ██████ was trying to disarm him by grabbing and pulling on his duty belt so he reacted in a split second and used both hands near ██████ neck area to push him away and create distance to avoid being injured.²² ██████ continued to resist but was eventually placed inside the squadrol. ██████ was transported to ██████ Hospital.²³

¹⁰ Att. 8, at 7:21.

¹¹ Att. 8, at 7:36.

¹² Att. 8, at 7:29.

¹³ Att. 8, at 7:28.

¹⁴ Att. 8, at 9:08.

¹⁵ Att. 11, at 11:26.

¹⁶ Att. 8, at 12:28.

¹⁷ Att. 8, 13:14.

¹⁸ Att. 22 (audio), Att.24 (transcript), pgs.16 to 18.

¹⁹ Att. 8, at 13:44.

²⁰ Att. 8, at 14:06.

²¹ Att. 8, at 16:02 to 16:08. COPA notes at the time of this action, Officer Thompson has his weapon side (right side) positioned away from ██████ and that ██████ is reaching for Officer Thompon’s left side. *See* Att. 11 at 16:08.

²² Att. 24, pgs. 16 to 18, Att.4, pg. 4 and 5. As discussed below, COPA has concerns related to the credibility of this assertion.

²³ Att. 8, at 27:22.

██████████ medical records detail that he was intoxicated and diagnosed with and treated for a minimally displaced right nasal bone fracture and right frontal infraorbital contusion from a fall.²⁴ CPD attempted to photograph ██████████ injuries, but he refused.²⁵

Officer Thompson completed a TRR²⁶ regarding use of force. Officer Thompson stated that ██████████ was an active resistor during the entire arrest process.²⁷ Thompson stated that ██████████ was trying to disarm him by grabbing and pulling at his duty belt. Therefore, he reacted in a split second and placed both of his hands near or around ██████████ neck to push him away and to create distance to avoid being disarmed and injured.²⁸ Thompson denied squeezing or restricting ██████████ airflow/breathing.²⁹

III. ALLEGATIONS

Officer John M. Thompson:

1. Officer Thompson used force prohibited by CPD General Order G03-02-01 in that Officer Thompson grabbed arrestee ██████████ M. ██████████ by the throat when he was restrained with handcuffs.
 - Sustained in violation of Rules 2, 3, 6, 8, and 9.

IV. CREDIBILITY ASSESSMENT

COPA questions the credibility of Officer Thompson's explanation of his force. The question is based on Officer Thompson's assertion that he was attempting to prevent ██████████ from gaining control of his firearm. Officer Thompson's position at the time of the incident had his weapon side (right) furthest away from ██████████ when ██████████ reached for Officer Thompson's left side.

V. ANALYSIS³¹

COPA finds Allegation #1 against Officer John M. Thompson, that he grabbed ██████████ by the throat when he was restrained with handcuffs, **Sustained**. CPD members are permitted to use force to overcome resistance.³² CPD policy requires members "to use de-escalation techniques to prevent or reduce the need for force..."³³ Additionally, a CPD member's use of force must be "objectively reasonable, necessary, and proportional to the threat, actions, and level of resistance offer by a person, under the totality of the circumstances."³⁴ When a member encounters a citizen

²⁴ Att. 26, pgs. 5, 22, and 32.

²⁵ Att. 25.

²⁶ Att. 4.

²⁷ Att. 24, pg. 16, lns. 12 to 18; pg. 22, lns. 6 to 8.

²⁸ Att. 24, pg. 16, ln. 12 to pg. 18, ln. 12.

²⁹ Att. 24, pg. 21, lns. 15 to 17.

³¹ For a definition of COPA's findings and standards of proof, *see* Appendix B.

³² Att. 35, G03-02-01, Response to Resistance and Force Option (effective April 15, 2021, to June 28, 2023).

³³ Att. 35, G03-02-01 II(B).

³⁴ Att. 35, G03-02-01 II(C).

who is using or threatening the use of force against another person or themselves which is likely to cause injury, that citizen is an assailant.³⁵ If the citizen's actions are aggressively offensive with or without weapons,³⁶ members are permitted to respond with presence; verbal directions; holding and compliance techniques; control instruments; deployment of oleoresin capsicum; stunning; takedowns; canine use; taser deployment; direct mechanical strikes; and impact weapons and munitions.³⁷ However, CPD policy prohibits members from "using chokeholds or other maneuvers for applying direct pressure on a windpipe or airway, with the sole exception of being an act of last resort, when necessary to protect against an imminent threat to life."³⁸

Here, as [REDACTED] was being secured in the CPD vehicle, he presented as an active resister by not complying with officers' orders and attempting to exit the vehicle. As Officer Thompson attempted to direct [REDACTED] into the CPD vehicle, [REDACTED] became an assailant as he kicked and pushed the officers, and repeatedly reached for and grabbed onto Officer Thompson's non-weapon side. Officer Thompson responded to [REDACTED] by placing both hands around [REDACTED] neck. COPA finds that in the totality of the circumstances Officer Thompson's grabbing of [REDACTED] neck was unreasonable. This finding is based on (1) [REDACTED] being restrained in handcuffs at the time of force; (2) [REDACTED] already being in the CPD vehicle; (3) the positioning of Officer Thompson's weapon away from [REDACTED] (4) the presence of other members who could have assisted in gaining control of [REDACTED] (5) the variety of less dangerous force options available (i.e., control holds; diffused strikes; or direct mechanical strikes); (6) Officer Thompson's lack of engaging in any de-escalation or force mitigation (e.g. allowing another member to take control; or slowing down the interaction). Therefore, Officer Thompson's use of force violated CPD policy and Rules 2, 3, 6, 8, and 9.

VI. DISCIPLINARY RECOMMENDATION

a. Officer John M. Thompson

i. Complimentary and Disciplinary History⁴¹

Officer Thompson has received 30 various awards and no discipline in the last five years.

ii. Recommended Discipline

COPA has found that, based on the totality of the circumstances, Officer Thompson engaged in unreasonable force when he grabbed [REDACTED] by the neck while [REDACTED] was restrained in handcuffs and in a CPD vehicle. COPA believes, and applicable CPD policy supports, that force applied to a person's neck present a substantial risk of serious injury and death and constitute a

³⁵ Att. 35, G03-02-01 IV(C).

³⁶ The weapons can include a deadly weapon, but the citizen's actions did not constitute an imminent threat death or great bodily harm.

³⁷ Att. 35, G03-02-01 IV(C)(1).

³⁸ Att. 27, G03-02 IV(D)(2). De-escalation, Response to Resistance, and Use of Force (effective April 15, 2021, to June 28, 2023).

⁴¹ Att. 36.

use of deadly force. While there are no indications that Officer Thompson applied pressure sufficient enough to restrict blood or oxygen flow, the totality of the circumstances causes his actions to be unreasonable. Therefore, based on the above, combined with Officer Thompson's history, COPA recommends Officer Thompson receive a **10-day suspension**.

Approved:



1-26-24

LaKenya White
Director of Investigations

Date

Appendix ACase Details

Date/Time/Location of Incident:	December 4, 2021 / 1:46 p.m. / 5501 S. Ashland Avenue
Date/Time of COPA Notification:	December 4, 2021
Involved Officer #1:	Officer John M. Thompson / Star # 18524 / Employee# ██████ / Date of Appointment: October 26, 2015 / Unit of Assignment: 007 / Gender: Male Race: White
Involved Individual #1:	██████ M. ██████ Male, 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.
- Rule __:** *[Insert text of any additional rule(s) violated]*

Applicable Policies and Laws

- G03-02, De-Escalation, Response to Resistance, and Use of Force (effective April 15, 2021, to June 28, 2023).⁴²
- G03-02-01, De-Escalation, Response to Resistance, and Use of Force (effective April 15, 2021 to June 28, 2023).⁴³

⁴² Att. 27.

⁴³ Att. 35.

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.⁴⁴ For example, if the evidence gathered in an investigation establishes that it is more likely that the conduct complied with Department 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.”⁴⁵

⁴⁴ 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).

⁴⁵ *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