



Log # 2023-0004164

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

### I. EXECUTIVE SUMMARY

On September 13, 2023, the Chicago Police Department (CPD) informed the Civilian Office of Police Accountability (COPA) that a CPD officer's taser deployment required a notification to COPA.<sup>2</sup> After reviewing Officer James Davis's Tactical Response Report (TRR) and the related body worn camera (BWC) footage, Lieutenant Joseph Perez determined that Officer Davis's use of force against ██████████ may not have complied with CPD policy.<sup>3</sup>

Upon reviewing the evidence, COPA served allegations against Officer Davis for tasing ██████████ without justification and using profanity.<sup>4</sup> COPA investigators also interviewed Lt. Perez as a witness. Following its investigation, COPA reached Exonerated and Sustained findings regarding the misconduct allegations against Officer Davis.

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

On September 13, 2023, at approximately 10:52 p.m., CPD officers from the 10<sup>th</sup> District responded to an Office of Emergency Management and Communications (OEMC) dispatched call regarding a domestic disturbance at or near ██████████.<sup>6</sup> The officers encountered the 911 caller, who requested that they remove ██████████ from the residence.<sup>7</sup> The officers escorted ██████████ from the residence to the sidewalk; however, ██████████ remained nearby.<sup>8</sup>

██████████ informed the officers that he was recording them and appeared to make several phone calls. At multiple points, ██████████ was captured saying that he was in fear for his safety, indicating that someone was trying to rob him and that officers were trying to hurt him. ██████████ then called 911 and informed the operator that he needed an ambulance because he did not feel

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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. 6, pg. 3.

<sup>3</sup> Att. 6, pg. 11. Lt. Perez later explained to COPA that his conclusion was based on Officer Davis's multiple taser uses, each of which required a separate justification. Att. 47, pg. 10.

<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> 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 the officer's COPA statement.

<sup>6</sup> Att. 14.

<sup>7</sup> Att. 28 at 2:06 to 2:45

<sup>8</sup> Att. 28 at 3:21 to 6:00.

<sup>9</sup> Att. 2 should be viewed in its entirety as the following Summary of Evidence is a synopsis of the officers' encounter with ██████████

well and was experiencing seizures.<sup>10</sup> The officers' BWC footage showed [REDACTED] lowering himself to the ground and getting back up. The officers then requested a supervisor to come to the scene and continued to de-escalate with [REDACTED]

As a sergeant arrived, [REDACTED] attempted to enter a different residence.<sup>11</sup> The occupants of that residence could be heard telling the officers to remove [REDACTED] and that he was trespassing. The officers struggled with [REDACTED] on the front porch staircase.<sup>12</sup> During the struggle, [REDACTED] removed his pants and shoes before walking down the stairs and back onto the sidewalk. The sergeant and Officer Davis discussed having a squadrol and officers experienced in CIT training deal with [REDACTED] because they would know where to take him for a mental health evaluation.<sup>13</sup>

As the squadrol officers arrived, [REDACTED] attempted to enter a different residence but was prevented by an officers and the residents, who yelled, "get the fuck off my porch."<sup>14</sup> [REDACTED] then went to a fourth residence while the officers approached him. After walking up the front stairs, [REDACTED] dove headfirst through a front window into that residence.<sup>15</sup> One officer followed [REDACTED] into the residence through the broken window. An occupant of the residence informed the officer that [REDACTED] went to the back of the residence. The officer went to the back as glass shattered, and [REDACTED] fled the residence through multiple windows.

After this occurred, Officer Davis gathered [REDACTED] discarded clothing and placed it in his patrol vehicle. As the officers realized [REDACTED] had fled the residence by escaping through the back windows, Officer Davis entered his vehicle and began touring the area to look for [REDACTED] Officer Davis located [REDACTED] a few blocks over and exited his patrol vehicle.<sup>16</sup> [REDACTED] stood near a red vehicle on the grassy part of the sidewalk. Officer Davis shouted several commands to [REDACTED] to "stop" and "get on the ground," and he warned [REDACTED] that he would be tased.<sup>17</sup> After [REDACTED] repeatedly failed to comply, Officer Davis discharged his taser at [REDACTED] causing [REDACTED] to fall onto the grassy parkway.<sup>18</sup> Officer Davis immediately called for an ambulance, asked for additional units to his location, and informed OEMC of a taser deployment. [REDACTED] then disregarded Officer Davis's order not to move, and he stood up again. Officer Davis deployed his taser a second time, but it did not appear to make contact with [REDACTED] At that point, Officer Davis used the arc button to re-energize the original taser probes, causing [REDACTED] to fall back onto the ground.<sup>19</sup> It should be noted that [REDACTED] was bleeding profusely from lacerations due to him jumping in, through, and out of windows at the residence where he forced entry, not due to the tasing incident.

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<sup>10</sup> Att. 2 at 10:50.

<sup>11</sup> Att. 2 beginning at 21:00.

<sup>12</sup> Att. 2 at 21:20.

<sup>13</sup> Att. 2 beginning at 25:36.

<sup>14</sup> Att. 2 at 27:55.

<sup>15</sup> Att. 2 at 28:10.

<sup>16</sup> Att. 2 beginning at 32:30.

<sup>17</sup> Att. 2 beginning at 32:33.

<sup>18</sup> Att. 2 at 32:56; Att. 5.

<sup>19</sup> Att. 2 at 33:42; Att. 5.

As additional units arrived on the scene, officers handcuffed [REDACTED]. A crowd gathered, including [REDACTED] mother, who indicated to officers that [REDACTED] suffers from mental health issues and uses drugs to cope. Officer Davis explained to [REDACTED] mother how the incident unfolded, from the original 911 call to the deployment of the taser. An ambulance arrived at the scene, and [REDACTED] was taken to the hospital.

### III. ALLEGATIONS

#### **Officer James Davis:**

1. Tasing [REDACTED] without justification.
  - Exonerated
2. Stating words something to the effect of, "Uh uh... you'll get it again, motherfucker," after tasing [REDACTED].
  - Sustained, Violation of Rules 2, 3, 6, 8 and 9.

### 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, Officer Davis provided his statement based on the digital and documentary evidence provided before his testimony, which corroborated his account. Officer Davis also provided mitigating factors regarding some of the allegations made against him.

Attempts to interview [REDACTED] were met with negative results.<sup>20</sup> To date, [REDACTED] has not responded to COPA's requests for a statement.

### V. ANALYSIS<sup>21</sup>

#### **a. Tasing Allegation**

COPA finds the allegation that Officer Davis tased [REDACTED] without justification is **Exonerated**. CPD members are authorized to use various force options when met with resistance or threats.<sup>22</sup> CPD policy defines force as any physical contact by a CPD member, either directly or through the use of equipment, to compel a person's compliance.<sup>23</sup> CPD members may only use force that is objectively reasonable, necessary, and proportional, including using the minimum amount of force needed under the circumstances.<sup>24</sup> When an officer encounters a person who

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<sup>20</sup> See CMS notes: CO-1419170, CO-1422560, CO-1422562

<sup>21</sup> For a definition of COPA's findings and standards of proof, *see* Appendix B.

<sup>22</sup> Att. 57, G03-02-01 I(C), Response to Resistance and Force Options (effective June 28, 2023, to present).

<sup>23</sup> Att. 53, G03-02 III(A), De-escalation, Response to resistance, and Use of Force (effective June 28, 2023, to present).

<sup>24</sup> Att. 57, G03-02-01 II(C)(1).

attempts to create distance from the officer with an intent to avoid physical control or defeat arrest, that person is classified as an active resister.<sup>25</sup> Officers may respond to active resistance with police presence, verbal directions, holding and compliance techniques, control instruments, stunning, takedowns, Oleoresin Capsicum (OC) spray, and tasers, among other options.<sup>26</sup>

In determining whether it is appropriate to use a Taser, CPD members are required to balance the risks and benefits of a Taser discharge based on several factors, including: (a) the threat presented by the person; (b) the threat of self-harm presented by the person; (c) the availability of other force actions; (d) the likely outcome of the Taser use; (e) the risk of injury; (f) the person's apparent age, size, physical and mental condition, disability, and impairment; and (g) the seriousness of the offense and whether Taser discharge is immediately necessary.<sup>27</sup> Additionally, CPD policy states that once a person has been exposed to three, five-second energy cycles (or a cumulative 15 total seconds of energy) and the member has not gained control of the person, the member will switch to other force options unless they can reasonably justify that continued taser use was necessary to ensure the safety of the member or another person.<sup>28</sup>

At the time Officer Davis deployed his taser, [REDACTED] actions in totality were indicative of an active resister who failed to comply with Officer Davis's multiple verbal commands.<sup>29</sup> Officer Davis indicated that he deployed his taser based on several of [REDACTED] actions up to the point of the taser deployment.<sup>30</sup> As viewed on the officers' BWC<sup>31</sup> footage, [REDACTED] refused to leave the scene upon Officer Davis and his partner's initial arrival. [REDACTED] also attempted to enter two other residences before throwing himself headfirst into the window of a third residence that was occupied at the time. He exited the third residence through two back windows and fled in an unknown direction before Officer Davis located him. Officer Davis followed CPD policy and informed [REDACTED] that he was going to be tased before the taser deployment.<sup>32</sup> Finally, while Officer Davis discharged and/or arced his taser three to four times,<sup>33</sup> COPA notes that the second taser discharge did not appear to make contact with [REDACTED] and the final arcing of the taser was effective in stopping [REDACTED] so that he could be placed into custody.

Based on the totality of circumstances, COPA finds this allegation against Davis is **Exonerated**.

#### **b. Profanity Allegation**

COPA finds the allegation that Officer Davis stated words to the effect of, "Uh uh... you'll get it again, motherfucker," after tasing [REDACTED] is **Sustained**. CPD policy requires that its

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<sup>25</sup> Att. 57, G03-02-01 IV(2).

<sup>26</sup> Att. 57, G03-02-01 IV(2)(1-5).

<sup>27</sup> Att. 58, G03-02-04 II(E)(1-7) Taser Use Incidents (effective June 28, 2023, to present)

<sup>28</sup> Att. 58, G03-02-04 III(B)(7).

<sup>29</sup> Att. 2 at 32:23.

<sup>30</sup> Att. 55, pg. 12, ln. 19 to pg. 13, ln. 13.

<sup>31</sup> Atts. 2 and 28.

<sup>32</sup> Att. 2 at 32: 20 to 32:59.

<sup>33</sup> Att. 5.

members “interact with all members of the public in an unbiased, fair, and respectful manner; treat all persons with the courtesy and dignity which is inherently due every person as a human being; [and] act, speak, and conduct themselves in a courteous, respectful, and professional manner.”<sup>34</sup> Further, CPD members may not exhibit a condescending attitude or direct any derogatory terms towards any person in any manner, and they may not use language intended to taunt or denigrate an individual, including using racist or derogatory language.<sup>35</sup>

In this case, after the first time Officer Davis tased ██████ BWC footage captured the officer warn ██████ “You’ll get it again, motherfucker. You’ll get it again.”<sup>36</sup> In his COPA statement, Officer Davis admitted<sup>37</sup> to uttering those words and acknowledged they conflicted with the Department’s expectations for respect and professionalism.<sup>38</sup> However, Officer Davis explained that sometimes people need to be spoken to differently in order to gain their compliance.<sup>39</sup> While COPA considers this a mitigating factor in recommending discipline, based on the preponderance of evidence, COPA finds this allegation against Officer Davis is **Sustained** as a violation of Rules 2, 3, 6, 8, and 9.

## VI. DISCIPLINARY RECOMMENDATION

### a. Officer James Davis<sup>40</sup>

#### i. Complimentary and Disciplinary History

Officer Davis has been with CPD since February 28, 2000. In that time, he has received 116 awards, including five Complimentary Letters, one Special Commendation, three Department Commendations, two Problem Solving Awards, and one Honorable Mention Ribbon Award. Officer Davis has not had any sustained complaints in the last five years. He has received two recent SPARs: October 2025 – no disciplinary action for inattention to duty, and February 2025 – no disciplinary action for reports-failure to report incident.

#### ii. Recommended Discipline

COPA has found that Officer Davis violated Rules 2, 3, 6, 8 and 9, when he stated words to the effect of, “Uh uh... you’ll get it again, motherfucker,” after tasing ██████. In mitigation, Officer Davis does not have a sustained complaint history and he has a commendable complimentary history. Additionally, Officer Davis acknowledged using inappropriate language which CPD prohibits to get ██████ attention due to ██████ erratic and self-harming behavior. Based on the totality of the circumstances in this case, COPA recommends that Officer Davis

<sup>34</sup> Att. 54, G02-01(III)(B)(1)-(3), Protection of Human Rights (effective June 30, 2022, to present).

<sup>35</sup> Att. 54, G02-01(III)(B)(4).

<sup>36</sup> Att. 2 at 33:10 to 33:14.

<sup>37</sup> Att. 55, pg. 49, lns. 1 to 7.

<sup>38</sup> Att. 55, pg. 36, lns. 6 to 9.

<sup>39</sup> Att. 55, pg. 34, ln. 3 to pg. 36, ln. 19.

<sup>40</sup> Att. 61.

receive a **Reprimand** and **Retraining** on G02-01, the Protection of Human Rights when interacting with members of the public.

Approved:



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Steffany Hreno  
*Acting Deputy Chief Administrator*

12/8/2025

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Date

Appendix A**Case Details**

Date/Time/Location of Incident:	September 8, 2023 / 11:25 pm / ██████████, Chicago, IL 60623.
Date/Time of COPA Notification:	September 9, 2023 / 2:41 am.
Involved Officer #1:	James Davis / Star #17108 / Employee ID # ██████████ / DOA: February 28, 2000 / Unit: 010 / Male / Black.
Involved Individual #1:	██████████ / Male / Black.

**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 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).
- G03-02-04: Taser Use Incidents (effective June 28, 2023, to present).
- G02-01: Protection of Human Rights (effective June 30, 2022, to present).
- S04-20: Recognizing and Responding to Individuals in Crisis (effective August 18, 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>41</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>42</sup>

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<sup>41</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>42</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 Information**

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