



Log # 2024-0005478

FINAL SUMMARY REPORT¹

I. EXECUTIVE SUMMARY

On June 7, 2024, the Civilian Office of Police Accountability (COPA) received a Chicago Police Department (CPD) notification from Lieutenant (Lt.) Thomas Beazley, regarding Officer Tobias Houston's use of force.² COPA served use of force allegations against Officer Houston. Following its investigation, COPA reached exonerated findings regarding Officer Houston's use of force.

II. SUMMARY OF EVIDENCE³

On June 6, 2024, at approximately 9:41pm, at or near 5101 S. Ashland Ave, Officer Houston was dispatched to a disturbance occurring at the nearby Express Food and Liquor establishment.⁴ Upon arrival, Officer Houston encountered the store owner and [REDACTED]. The store owner related to Officer Houston that [REDACTED] had previously been in the store, stole from the store, hit a couple people in the store, and tried to push the owner's son.⁵ The store owner told Officer Houston that [REDACTED] was drinking the beer he stole from the store.⁶ [REDACTED] approached Officer Houston, asked if the store owner was talking about him, and then walked away.⁷

Officer Houston then relocated to the alley on the northeast corner of 51st and Ashland and approached [REDACTED] there. Officer Houston asked [REDACTED] to drop his beverage and place his hands on the hood of Officer Houston's vehicle, and [REDACTED] complied.⁸ Officer Houston then proceeded to place one handcuff on [REDACTED] left wrist. [REDACTED] immediately turned around so that he and Officer Houston were facing each other, making it difficult for Officer Houston to put the handcuff on the other arm. Officer Houston told COPA that when he applied the first handcuff on [REDACTED] [REDACTED] further tried to prevent the handcuffing when he immediately stiffened his arm and turned

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 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; Att. 23, Officer Houston's Tactical Response Report (TRR).

³ 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, ICC footage, Police Observation Devices, event query's, police reports, civilian interviews, officer interviews.

⁴ Att. 13, Event Query 2415815891.

⁵ Att. 35, BWC of Officer Houston at 2:00 to 2:19.

⁶ Att. 64, pg. 11, lns. 3 to 4.

⁷ Att. 35 at 2:20 to 2:37.

⁸ Att. 35 at 3:50 to 4:12.

toward Officer Houston in an aggressive manner. Officer Houston explained that [REDACTED] also crossed his hands, preventing Officer Houston from applying the second cuff.⁹ Officer Houston did not want to take his eyes off of [REDACTED] because Officer Houston was concerned that [REDACTED] could have hit him with his other hand, using the handcuff as a weapon.¹⁰ Officer Houston tried talking with [REDACTED] and tried to get [REDACTED] to relax and calm down; to de-escalate the situation.¹¹ Officer Houston continuously ordered [REDACTED] to turn around but [REDACTED] did not cooperate.

Eventually, Officer Houston deployed his Oleoresin Capsicum (OC) after first announcing "OC OC."¹² Shortly after the OC spray deployment, both Officer Houston and [REDACTED] fell to the ground. From Officer Terence Hollis's and Officer Xavier Avila's BWC, it looked like it could have been a takedown. However, from Officer Houston's BWC you cannot tell whether it was a takedown.¹³ Significantly, during his interview, Officer Houston stated that he never intended to conduct a takedown.¹⁴ Rather, Officer Houston explained that [REDACTED] was swaying back and forth because he was intoxicated. Officer Houston said he tried to use an arm bar to put [REDACTED] arm behind his back, but due to [REDACTED] failure to comply, the momentum caused them to fall. Consequently, [REDACTED] momentum brought him to the ground. Officer Houston never conducted a takedown.¹⁵

During Officer Houston's statement to COPA, he explained that after administering the OC spray, based off his training, he put his arm under [REDACTED] cuffed arm to get it behind his back to complete the cuffing. As he proceeded to do that, it resulted in a take-down due to [REDACTED] stiffness, intoxication, and noncompliance. Officer Houston explained to COPA that it was never his intention to perform a take-down, it only occurred due to [REDACTED] being bigger than him and not moving.¹⁶ Back up units arrived and assisted with the apprehension of [REDACTED]. Once the officers were able to secure both handcuffs, back up officers stayed with [REDACTED] and requested emergency services. Ultimately, [REDACTED] was taken to the hospital and treated for his injuries. Officer Houston then walked over to the store's owner who made a complaint.

III. ALLEGATIONS

Police Officer Tobias Houston:

1. Discharging your OC Spray towards [REDACTED] without justification.
 - Exonerated
2. Conducting an emergency take down on [REDACTED] without justification.

⁹ Att. 64, Officer Tobias's Audio Transcribed Statement, Pg. 13, Ln. 22 to Pg. 14, Ln. 9.

¹⁰ Att. 64, pg. 16, lns. 4 to 16; pg. 30, lns. 17 to 21.

¹¹ Att. 64, pg. 14, lns. 10 to 18; Att. 35 at 4:40.

¹² Att. 35 at 6:07 to 6:20.

¹³ Att. 35 at 6:23 to 6:29; Att. 32, BWC of Officer Avila, Xavier at 2:11 to 2:19; Att. 34, BWC of Officer Hollis, Terence at 2:07 to 2:13.

¹⁴ Att. 64, pg. 28, lns. 15 to 16.

¹⁵ Att. 64, pg. 28, lns. 9 to 22.

¹⁶ Att. 64, pg. 18, ln. 9 to pg. 19, ln. 6.

- 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. The statement provided by Officer Houston was consistent with the evidence COPA collected. Therefore, COPA did not find any basis to question the credibility of the statement Officer Houston provided to COPA. However, the statement ██████ provided was not consistent with the evidence collected. When COPA spoke with ██████ he said he was on his way home and merely walked past the liquor store. He explained that he and the store owner did not see eye to eye due to a previous incident, and that is when Officer Houston showed up and stopped ██████¹⁷ ██████ claimed he never went to the store.¹⁸ However, ██████ had been walking around with a can of beer, the store owner claimed ██████ had stolen.

V. ANALYSIS¹⁹

a) OC Discharge

COPA finds **Allegation # 1** against Officer Houston, that he discharged his OC Spray towards ██████ without justification, is Not Sustained. Because ██████ was an active resister, the use of OC Spray was justified.²⁰

CPD members are expected to resolve situations without using force, unless required under the circumstances to serve a lawful purpose.²¹ Members may only use force that is objectively reasonable, necessary, and proportional, under the totality of circumstances to assure the safety of a member or third person, stop an attack, make an arrest, or prevent escape.²²

CPD policy categorizes the individuals that members encounter into categories. An active resister is 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.²³ It includes a person who is attempting to avoid apprehension.²⁴ Members are permitted to respond to active resistance with

¹⁷ Att. 66, ██████ Audio Transcribed Statement, pg. 6, ln. 4 to pg. 7, ln. 12.

¹⁸ Att. 66, pg. 14, ln. 24 to pg. 15, ln. 6.

¹⁹ For a definition of COPA's findings and standards of proof, *see* Appendix B.

²⁰ Att. 69, G03-02-01(IV)(B)(2)(c)(3), Response to Resistance and Force Options (effective June 28, 2023 to present).

²¹ Att. 47, G03-02(II)(C), De-Escalation, Response to Resistance, and Use of Force (effective June 28, 2023 to present).

²² Att. 47, G03-02(III)(B).

²³ Att. 48, G03-02-01(IV)(B)(2).

²⁴ Att. 48, G03-02-01(IV)(B)(2)(b).

member presence; verbal directions; holding and compliance techniques; control instruments; deployment of oleoresin capsicum; stunning; takedowns; canine use; and taser deployment.²⁵

██████ was an active resister in that he attempted to create distance between himself and Officer Houston and was trying to defeat the arrest. Because ██████ was an active resister, CPD policy permitted the use of OC Spray as a force option against ██████.²⁶ Accordingly, COPA finds that Officer Houston's use of OC Spray in this instance was within CPD policy and **Allegation # 1 is Exonerated.**

b) Emergency Take Down

COPA finds that Allegation # 2 against Officer Houston, that he performed an emergency takedown of ██████ is Exonerated. It is important to first point out that because ██████ was an active resister, CPD policy permits officers to use an emergency takedown in this situation.²⁷

When members encounter a citizen who attempts to create distance from a member with an intent to avoid physical control and/or defeat arrest, that citizen is an active resister.²⁸ Members are permitted to respond to active resistance with presence; verbal directions; holding and compliance techniques; control instruments; deployment of oleoresin capsicum; stunning; takedowns; canine use; and taser deployment.²⁹ As discussed above, ██████ was an active resister. Therefore, a takedown was among the possible actions Officer Houston could have used in response to ██████ resistance.

Notably, in this case, it is not clear whether Officer Houston actually performed the emergency takedown. As Officer Houston explained, he never intended to conduct a takedown and did not conduct a takedown. Rather, the fall to the ground was due to ██████ size, his resistance, gravity, and momentum.³⁰ Officer Houston told COPA that he used an arm bar to control ██████ but that given ██████ resistance, intoxication, and momentum, they fell to the ground.³¹ Furthermore, Officer Houston tried to de-escalate by talking calmly to ██████.³² Officer Houston said he did not intend to perform a takedown. Because CPD policy allows for takedowns in these circumstances, COPA finds **Allegation # 2 is Exonerated**

²⁵ Att. 69, G03-02-01(IV)(B)(2)(c).

²⁶ Att. 69, G03-02-01(IV)(B)(2)(c)(2).

²⁷ Att. 69, G03-02-01(IV)(B)(2)(c)(3).

²⁸ Att. 69, G03-02-01(IV)(B)(2).

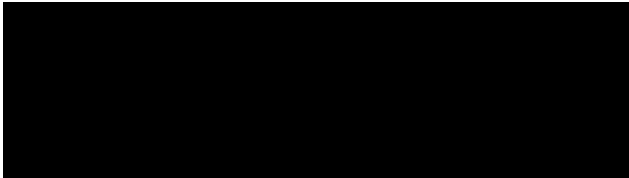
²⁹ Att. 69, G03-02-01(IV)(B)(2)(c).

³⁰ Att. 64, pg. 28, lns. 9 to 22.

³¹ Att. 64, pg. 28, lns. 9 to 22.

³² Att. 64, pg. 14, lns. 5 to 18.

Approved:



Angela Hearts-Glass
Deputy Chief Administrator – Chief Investigator

9-30-2025

Date

Appendix A

Case Details

Date/Time/Location of Incident:	June 6, 2024/ 09:41pm/ 5051 S. Ashland Ave, Chicago, IL, 606009
Date/Time of COPA Notification:	June 7, 2024/ 01:02am
Involved Member #1:	Tobias Houston, Star #10647, Employee ID # [REDACTED] Date of Appointment: March 16, 2018, Unit of Assignment: 009, Male, Black or African American
Involved Individual #1:	[REDACTED] Male, Black or African American

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 June 28, 2023 to present).
- G03-02-01, Response to Resistance and Force Options (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.³³ 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.”³⁴

³³ 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).

³⁴ *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