



Log # 2024-0006379

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

### I. EXECUTIVE SUMMARY

On July 30, 2024, Lieutenant Edward Ranzzoni of the Chicago Police Department (CPD) obtained this Log Number pursuant to a Level III Use of Force notification.<sup>2</sup> Lt. Ranzzoni reported that at approximately 6:45 pm on July 30, 2024, in the vicinity of 882 N. Cambridge Avenue, Officer Michael Donnelly utilized his CPD radio as an impact weapon, delivering three strikes to the head of a Mr. [REDACTED]

After its preliminary investigation, the Civilian Office of Police Accountability (COPA) served allegations on Officer Donnelly that he used excessive force against [REDACTED] threatened [REDACTED] by directing abusive language at him, pointed a firearm without justification, and failed to make the required notifications of a firearm-pointing incident.<sup>3</sup> COPA served additional allegations that Officers Donnelly, Joseph Vecchio, Patrick Kirwan, Anthony Accardo, Michael Strnad Jr., and Felix Vega stopped and detained [REDACTED] without justification. COPA also served allegations that Officers Vecchio, Kirwan, Accardo, Strnad, and Vega failed to intervene on behalf of [REDACTED] and failed to report Officer Donnelly's excessive use of force, and that Officer Vecchio engaged in a foot pursuit in violation of CPD policy.

Following its investigation, COPA reached Sustained findings for the allegations of excessive force and profanity against Officer Donnelly, and Not Sustained, Exonerated, and Unfounded findings for the remaining allegations.

### II. SUMMARY OF EVIDENCE<sup>4</sup>

Officers Accardo and Laura Zymantas were separately monitoring POD cameras at the 18<sup>th</sup> District police station.<sup>5</sup> [REDACTED] and other unknown individuals were standing on a sidewalk in the vicinity of 882 North Cambridge Avenue when [REDACTED] lifted his T-shirt, placed his right

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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> Additional Log Numbers arising from civilian complaints about the same incident were folded into this investigation.

<sup>3</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>4</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 (BWC) and Police Observation Device (POD) footage, police reports, officer interviews, and civilian interviews.

<sup>5</sup> Atts. 15, pg. 2; Att. 61, pg. 6, ln. 22 to pg. 7, ln. 7.

hand on an item tucked in the front of his jeans, and lowered his T-shirt.<sup>6</sup> Officer Accardo observed this on the POD camera. He and the other involved officers decided to conduct an investigative stop on [REDACTED].<sup>7</sup> They drove to the area in two CPD vehicles driven by Officers Kirwan and Donnelly.

When they arrived, Officer Vecchio reported the stop over the radio.<sup>8</sup> Officer Vecchio exited the police vehicle and approached [REDACTED] whose back was to the officer.<sup>9</sup> As Officer Vecchio approached [REDACTED] turned his head toward the officer and ran forward into the street.<sup>10</sup> Officer Vecchio grabbed [REDACTED] by his T-shirt; [REDACTED] spun around and Officer Vecchio pulled the T-shirt off of [REDACTED].<sup>11</sup> [REDACTED] ran back to the sidewalk and turned left as Officer Vecchio appeared to hold on to [REDACTED] loose belt.<sup>12</sup> [REDACTED] fell face forward onto the sidewalk as Officers Vecchio and Kirwan knelt over him.<sup>13</sup>

As a crowd gathered, Officer Zymantas, who was continuing to monitor the POD from the station, requested additional officers.<sup>14</sup> Officer Kirwan attempted to grab [REDACTED] arms.<sup>15</sup> [REDACTED] lay on his right side and held his arms close to his chest, while Officers Vecchio, Kirwan and Strnad grabbed his arms and told him to put his hands back.<sup>16</sup> Officer Donnelly exited the police vehicle, ran toward [REDACTED] and the other officers, and yelled, "I'll fucking shoot you!" as he pointed his firearm at [REDACTED].<sup>17</sup> Officer Donnelly remained on his feet with the firearm pointed in [REDACTED] direction, as Officers Vecchio, Kirwan and Strnad attempted to pull [REDACTED] arms.<sup>18</sup> Officer Donnelly told [REDACTED] "I will fucking smoke you," while continuing to point his firearm at [REDACTED].<sup>19</sup>

Officers Vega and Accardo turned their attention to controlling the crowd that was gathering, with Officer Vega standing on the street and Officer Accardo on the sidewalk.<sup>20</sup> Additional officers arrived on the scene and established a perimeter between the officers attempting to place [REDACTED] in custody and the crowd.<sup>21</sup> Officer Donnelly holstered his firearm

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<sup>6</sup> Att. 28, at 6:38:31 to 6:38:55.

<sup>7</sup> Att. 15, pg. 2.

<sup>8</sup> Att. 13, at 2:13 to 2:26; Att. 22, at 00:25 to 00:38.

<sup>9</sup> Att. 13, at 2:30 to 2:35. Officer Donnelly drove past [REDACTED] immediate location and stopped the car. See Att. 28, at 6:43:57 to 6:43:59.

<sup>10</sup> Att. 28, at 6:43:57 to 6:43:59. In his statement to COPA, [REDACTED] related that he had not observed Officer Vecchio come up behind and related that he did not try to run (Att. 66, pg. 4, lns. 6 to 15).

<sup>11</sup> Att. 21, at 6:43:59 to 6:44:01.

<sup>12</sup> Att. 21, at 6:44:02 to 6:44:03.

<sup>13</sup> Att. 21, at 6:44:03 to 6:44:04.

<sup>14</sup> Att. 22, at 1:00 to 1:10.

<sup>15</sup> Att. 9, at 2:05 to 2:06.

<sup>16</sup> Att. 9, at 2:07 to 2:11.

<sup>17</sup> Att. 3, at 2:04 to 2:10.

<sup>18</sup> Att. 10, at 2:02 to 2:07.

<sup>19</sup> Att. 3, at 2:13 to 2:16.

<sup>20</sup> Att. 28, at 6:44:09 to 6:44:13.

<sup>21</sup> Att. 28, at 6:44:30 to 6:45:30.

around this time.<sup>22</sup> Officer Donnelly attempted to place his foot on ██████ shoulder. His foot appeared to slide off ██████ shoulder, briefly making contact with ██████ neck before reaching the ground.<sup>23</sup> Officer Vecchio held ██████ head against the sidewalk and told him to stop.<sup>24</sup>



Figure 1: This image, extracted from Officer Vecchio’s BWC footage, depicts Officer Donnelly’s foot (at center) and ██████ (center) as Officer Vecchio held William’s head against the pavement with his right arm (Att.13).

As Officer Vecchio continued to hold ██████ by his hair, Officer Donnelly struck the left side of ██████ head three times with a police radio.<sup>25</sup> Officer Donnelly unholstered his firearm a second time and leaned over ██████<sup>26</sup> Officer Donnelly pointed his firearm at ██████ head from a very close distance and told him he was “going to get fucking shot.”<sup>27</sup>

<sup>22</sup> Att. 28, at 6:44:17 to 6:44:19.

<sup>23</sup> Att. 13, at 2:52 to 2:53.

<sup>24</sup> Att. 13, at 2:57 to 2:58.

<sup>25</sup> Att. 13, at 3:10 to 3:11.

<sup>26</sup> Att. 28, at 6:44:42 to 6:44:45.

<sup>27</sup> Att. 13, at 3:23 to 3:28. An officer from Beat 1863D (Officers Donnelly and Vecchio’s beat) reported a firearm pointing incident over the radio at 6:56pm. See Att. 22, at 12:37 to 12:57; Att. 71.



Figure 2: This image, extracted from Officer Vecchio’s BWC footage, depicts Officer Donnelly’s pistol oriented towards ██████ head (center) as Officer Vecchio holds William’s head against the pavement with both arms (Att.13).



Figure 3: This image, extracted from a social media post, depicts Officer Donnelly (at left) and ██████ (center) at approximately the same time as in Figure 2 (Att. 5).

The officers then moved ██████ onto his left side<sup>28</sup> and Officers Donnelly, Vecchio and Accardo held his arms.<sup>29</sup> Officer Strnad pulled a firearm from ██████ front waist and unloaded it.<sup>30</sup> Officer Vecchio placed a handcuff on ██████ right wrist.<sup>31</sup> Officers Donnelly, Vecchio and Kirwan then struggled to handcuff ██████ as he lay face down, and Officer Accardo yelled

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<sup>28</sup> Att. 13, at 3:40 to 3:51.

<sup>29</sup> Att. 11, at 3:20 to 3:24.

<sup>30</sup> Att. 9, at 3:17 to 4:00.

<sup>31</sup> Att. 13, at 4:00 to 4:02.

at ██████ “Give us your fucking hands!”<sup>32</sup> Officer Vecchio lifted ██████ from the sidewalk, escorted him to a marked police vehicle, and placed him inside.<sup>33</sup> By this time, a large number of CPD personnel, including supervisors, were present at the scene.

After ██████ was handcuffed, Officer Donnelly stood up, yelled “Shut the fuck up and get the fuck back!” and pointed his finger to an unknown woman in the crowd.<sup>34</sup> Officer Donnelly can be heard referring to one bystander as a “bitch ass motherfucker.”<sup>35</sup> Then, Officer Donnelly approached an unknown man who appeared to be recording him and yelled at him.<sup>36</sup> Other officers separated Officer Donnelly and the bystander.<sup>37</sup>



Figure 4: This image, extracted from Officer Strnad’s BWC footage, depicts Officer Donnelly interacting with a bystander before the two were separated by other officers (Att.9).

According to the arrest report, ██████ did not have a valid FOID card or a concealed carry license and was a convicted felon. The pistol recovered from ██████ turned out to have been stolen.<sup>38</sup>

### III. ALLEGATIONS

#### Officer Michael Donnelly:

1. Stopping ██████ without justification.

<sup>32</sup> Att. 11, at 3:54 to 3:56.

<sup>33</sup> Att. 13, at 4:41 to 5:20.

<sup>34</sup> Att. 9, at 3:45 to 3:51; Att. 28, at 6:45:46 to 6:45:50.

<sup>35</sup> Att. 3, 4:58; Att. 9, at 4:57.

<sup>36</sup> Att. 9, at 5:10. Officer Donnelly can be heard yelling, “Step up on me one more fucking time” as he approached this man.

<sup>37</sup> Att. 28, at 6:46:30 to 6:46:40; Att. 11, at 4:45 to 4:53.

<sup>38</sup> Att. 19, pg. 4.

- Exonerated
- 2. Detaining [REDACTED] without justification.
  - Exonerated
- 3. Using excessive force against [REDACTED] in that he placed his foot on [REDACTED] head and/or struck him with a police radio and/or held a firearm to [REDACTED] head.
  - Sustained, Violation of Rules 2, 3, 5, 6, 8 and 9
- 4. Threatening [REDACTED] by directing abusive, threatening, and profane language at [REDACTED].
  - Sustained, Violation of Rules 2, 3, 5, 6, 8 and 9
- 5. Using profane language to taunt or denigrate individuals, without justification.
  - Sustained, Violation of Rules 2, 3, 5, 6, 8 and 9
- 6. Hindering or attempting to hinder a person or persons from video recording a law enforcement officer in the performance of his or her duties in a public place, without justification.
  - Unfounded
- 7. Pointing a firearm, without justification.
  - Not sustained
- 8. Failing to make required notifications of a firearm-pointing incident.
  - Unfounded

**Officer Joseph Vecchio:**

- 1. Stopping [REDACTED] without justification.
  - Exonerated
- 2. Engaging in a foot pursuit of [REDACTED] in violation of G03-07.
  - Exonerated
- 3. Detaining [REDACTED] without justification.
  - Exonerated
- 4. Failing to intervene on [REDACTED] behalf during the excessive use of force by Officer Michael Donnelly in violation of G03-02.
  - Not Sustained
- 5. Failing to report the excessive use of force by Officer Michael Donnelly in violation of G03-02.
  - Not Sustained

**Officers Patrick Kirwan, Anthony Accardo, Michael Strnad Jr, and Felix Vega:**

- 1. Stopping [REDACTED] without justification.
  - Exonerated
- 2. Detaining [REDACTED] without justification.
  - Exonerated

3. Failing to intervene on [REDACTED] behalf during the excessive use of force by Officer Michael Donnelly in violation of S03-02.<sup>39</sup>
  - Not Sustained
4. Failing to report the excessive use of force by Officer Michael Donnelly in violation of S03-02.
  - Not Sustained

#### IV. CREDIBILITY ASSESSMENT

COPA interviewed [REDACTED] as well as Officers Zymantas, Kirwan, Accardo, Vecchio, Strnad, Vega, and Donnelly.<sup>40</sup> The credibility of an individual relies primarily on two factors: the individual's truthfulness and 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 later accurately recall the event from memory.

Although his attorney had authorized COPA to interview [REDACTED] in custody without the attorney being present,<sup>41</sup> [REDACTED] declined to provide an in-person interview without his attorney. Instead, COPA interviewed him via videoconference call from his attorney's office. Due to the circumstances of the interview, [REDACTED] was unable to view any video footage that may have refreshed his memory, and, as a result, inconsistencies appeared between his statement and available video.<sup>42</sup> Due to the time constraints of the attorney's videoconference call, COPA was unable to ask follow-up questions. That said, COPA had no concerns regarding [REDACTED] truthfulness.

The Department members provided statements approximately two to four months after the incident occurred. The officers viewed their own BWC footage prior to providing statements; their statements to COPA were generally consistent with the video footage and other available evidence.

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

##### A. The initial stop and detention of [REDACTED] did not amount to misconduct

A police officer may temporarily detain an individual for an investigatory stop when "the officer's decision is based on specific, articulable facts which warrant the investigative stop

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<sup>39</sup> When COPA served allegations #3 and #4 on Officer Kirwan, COPA cited the wrong directive. The correct directive is General Order G03-02; Special Order S03-02 is listed in error. Nothing appears to turn on the mistake.

<sup>40</sup> Atts. 34, 37, 40, 52 to 55, 57, 59, 61 to 66.

<sup>41</sup> Att. 49.

<sup>42</sup> For example, [REDACTED] stated that he tried to comply with the officers' order to put his hands behind his back and was prevented from doing so because his arms were crushed under his body by the weight of the officers. Video footage documented that [REDACTED] was not always face down but was also lying on his side and did not attempt to surrender his arms but continued to actively resist arrest.

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

intrusion.”<sup>44</sup> “The police officer must have an ‘articulable suspicion’ that the person has committed or is about to commit a crime.”<sup>45</sup> Officers must possess “specific and articulable facts which, combined with rational inferences from those facts, reasonably warrant” their belief.<sup>46</sup> Reasonable suspicion is less than probable cause, but more than a hunch.<sup>47</sup> Courts generally consider the following circumstances in determining whether an officer had reasonable suspicion to conduct an investigatory stop: a recent report of crime (“tips”), reputation, high crime area, time of day, behavior of person toward law enforcement, flight, investigative alerts, and anonymous tips.<sup>48</sup> None of these factors are necessarily sufficient on their own.<sup>49</sup> Reasonable suspicion is based on the totality of the circumstances.<sup>50</sup>

The Illinois Supreme Court has further explained the level of suspicion needed to justify a stop:

Viewed as a whole, the situation confronting the police officer must be so far from the ordinary that any competent officer would be expected to act quickly. The facts supporting the officer’s suspicions need not meet probable cause requirements, but they must justify more than a mere hunch. The facts should not be viewed with analytical hindsight, but instead should be considered from the perspective of a reasonable officer at the time that the situation confronted him or her.<sup>51</sup>

Officers who perform investigatory stops must be able to explain their reasonable *articulable* suspicion and justify why they believed a person was committing criminal activity. The purpose of an investigatory stop is for officers to confirm or dispel their reasonable articulable suspicion that a

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<sup>44</sup> *People v. Moore*, 286 Ill. App. 3d 649, 653 (3d Dist. 1997) (citing *Terry v. Ohio*, 392 U.S. 1, 21, (1968)); *People v. Stewart*, 242 Ill. App. 3d 599, 605 (1993)).

<sup>45</sup> *People v. Moore*, 286 Ill. App. 3d 649, 653 (3d Dist. 1997) (internal citations omitted).

<sup>46</sup> *People v. Hackett*, 2012 IL 111781, ¶ 20 (citing *People v. Close*, 238 Ill. 2d 497, 505 (2010)).

<sup>47</sup> *United States v. Jones*, No. 22-3218, 2023 U.S. App. LEXIS 27841, at \*3 (7th Cir. Oct. 19, 2023) (citing *United States v. Richmond*, 924 F.3d 404, 411 (7th Cir. 2019)).

<sup>48</sup> See *Navarette v. California*, 572 U.S. 393, 397-398 (2014); see also *Florida v. J.L.*, 529 U.S. 266 (2000) (holding officers lacked reasonable articulable suspicion to perform a *Terry* stop when they acted on an anonymous tip matching the defendant’s description, but lacked predictive information they could corroborate); See also *Alabama v. White*, 496 U.S. 325 (holding an anonymous tip by itself did not give officers reasonable articulable suspicion to perform a *Terry* stop, but that officers developed reasonable articulable suspicion by corroborating details); But see *Adams v. Williams*, 407 U.S. 72 (1972) (holding an officer had reasonable articulable suspicion for a *Terry* stop when he acted based on a tip from an informant he knew, who had previously provided him with information); *Illinois v. Wardlow*, 528 U.S. 119, 124-125 (2000) (holding officers had reasonable articulable suspicion to perform a *Terry* stop based on the defendant’s unproved flight from officers in an area known for drug trafficking, and noting that “nervous, evasive behavior is a pertinent factor in determining reasonable suspicion.”).

<sup>49</sup> See *People v. Timmsen*, 2016 IL 118181, ¶ 12, ¶ 14 (rejecting a bright line rule that a person’s flight from police provided reasonable suspicion, instead stating that determination of reasonable suspicion depends on a review of the totality of the circumstances).

<sup>50</sup> *United States v. Arvizu*, 534 U.S. 266, 273 (2002) (citing *United States v. Cortez*, 449 U.S. 411, 417 (1981)); *People v. Timmsen*, 2016 IL 118181, ¶ 18 (citing *United States v. Arvizu*, 534 U.S. 266, 277 (2002); *United States v. Sokolow*, 490 U.S. 1, 8 (1989)).

<sup>51</sup> *People v. Thomas*, 198 Ill. 2d 103, 110 (2001).

person is engaged in criminal activity.<sup>52</sup> If officers do not develop probable cause to support an arrest, they must release the person. Alternatively, if the officers develop probable cause during an investigatory stop, they may arrest the person and perform a thorough search of the individual.

In Illinois, the mere possession of a firearm in public is not necessarily unlawful, and individuals do not commit a crime when they carry a concealed firearm while properly licensed under the *Firearm Concealed Carry Act*, 430 ILCS 66/10.<sup>53</sup> Therefore, when encountering a subject armed with a firearm, “a mere possibility of unlawful use of a gun is not sufficient to establish reasonable suspicion.”<sup>54</sup> As such, “police cannot simply assume a person who possesses a firearm outside the home is involved in criminal activity.”<sup>55</sup> In addition, CPD’s Training and Support Group publication ETB# 14-01, released March 2014 and revised April 2021, titled “Firearm Concealed Carry” reminds officers that, due to the provisions of the Illinois *Firearm Concealed Carry Act*, merely the appearance of being armed with a firearm does not in and of itself generate reasonable articulable suspicion for a stop nor for a pat down search.

In this case, although the language used by the officers at the time<sup>56</sup> and in the contemporaneously-prepared reports indicates that the officers left the police station to conduct an investigatory stop of ██████ (suggesting that there was no probable cause of a crime at that point sufficient to warrant ██████ arrest), in their testimony to COPA the officers indicated that ██████ was known to them, that they knew he was a felon, and that observing him with what appeared to be a firearm on his person meant that they actually left the police station already having probable cause to effect ██████ arrest.<sup>57</sup> ██████ gun was tucked into his waistband in a way that allowed the officers to see it while remotely watching a POD camera in the area.

In addition, ██████ in his statement to COPA, also indicated that he and Officer Donnelly were known to each other.<sup>58</sup> This adds credibility to the officers’ statements that they were aware that ██████ was a felon at the time they set out from the police station, thereby reinforcing their later assertion—in the face of the conflicting language used in the contemporaneous reports—that the officers had probable cause for ██████ arrest from the outset. COPA therefore finds the stop and detention were not misconduct, making these allegations against all involved officers **Exonerated** by clear and convincing evidence.

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<sup>52</sup> *Terry v. Ohio*, 392 U.S., 1, 28 (1968); See also Wayne R. LaFave, Search and Seizure § 9.3(g), at 559 to 563 (6th ed. 2020); See also *People v. Cummings*, 2016 IL 115769, ¶ 18.

<sup>53</sup> *People v. Aguilar*, 2013 IL 112116 (citing *District of Columbia v. Heller*, 554 U.S. 570 (2008), and *McDonald v. City of Chicago*, 561 U.S. 742, 791 (2010)).

<sup>54</sup> *United States v. Watson*, 900 F. 3d 892, 896 (7th Cir. 2018) (applying the Fourth Amendment to Indiana law which allows firearms in public with a proper license).

<sup>55</sup> *People v. Thomas*, 2019 IL App (1st) 170474 ¶ 16 (citing *Terry v. Ohio*, 392 U.S. 1 (1968)).

<sup>56</sup> On the way to the above location, Officer Vecchio informed the dispatcher that his beat was about to conduct a “street stop.” See Att. 13, at 2:13 to 2:26; Att. 22, at 00:25 to 00:38.

<sup>57</sup> Att. 63, pg. 5, ln. 12 to pg. 10, ln. 11 and at pg. 16; Att. 65, pg. 7, ln. 22 to pg. 8, ln. 24.

<sup>58</sup> Att. 66, pg. 5, lns. 11 to 15, pg. 6, lns. 8 to 14, pg 7, lns 1 to 3.

**B. Officer Donnelly's use of force against ██████ was excessive.**

CPD's stated highest priority is the sanctity of human life. In all aspects of their conduct, CPD expects that its members act with the foremost regard for the preservation of human life and the safety of all persons involved.<sup>59</sup> CPD members are only authorized to use force that is objectively reasonable, necessary, and proportional, under the totality of the circumstances, to ensure the safety of a member or a third person, stop an attack, make an arrest, control a person, or prevent escape.<sup>60</sup> This means that CPD members may use only the amount of force necessary to serve a lawful purpose. The amount and type of force used must be proportional to the threat, actions, and level of resistance a person offers.<sup>61</sup>

In the matter at hand, Officer Donnelly struck ██████ three times on the head with his police radio. The officer described ██████ as an assailant based on the officer's knowledge that ██████ was in possession of a "loaded firearm" and that ██████ was trying to use the firearm.<sup>62</sup> General Order G03-02-01 allows officers to use impact weapons on assailants, defining such weapons as those "designed to establish control by means of applying mechanical impact to an assailant in order to disable elements of his or her musculoskeletal structure."<sup>63</sup> However, it specifically says members "will avoid the use of flashlights, radios, firearms, or any items not specifically designed as an impact weapon, unless reasonably necessary and no other practical options are available."<sup>64</sup> COPA concludes that ██████ was, rather, an active resister. When Officer Donnelly struck ██████ on the head with his radio, Officers Vecchio and Kirwan were already restraining ██████ limbs and Officer Strnad was attempting to grab ██████ firearm from his waistband. BWC camera footage depicts many officers involved in comprehensively immobilizing ██████ and forcing his head into the pavement. It is clear that ██████ was trying to defeat his arrest by the officers, not assault them. When Officer Vecchio first took ██████ to the ground, ██████ arms were to his side. As additional officers arrived and attempted to place him into custody, ██████ brought his arms under his torso and disregarded the officers' commands to surrender his arms. Such actions constitute active resistance, not assault.

Although Officer Donnelly claimed that ██████ was trying to use the firearm in his possession, BWC footage does not contain any indication that ██████ was. If ██████ had had the firearm in his hand, for example, then he would have risen to the level of an assailant and a reasonable officer would have been justified in using greater force, such as impact weapons and direct mechanical strikes, to subdue him. Those measures were not appropriate in the circumstances here. As such, COPA concludes that Officer Donnelly employed excessive force when he utilized his police radio to strike ██████ in the head three times, and this allegation is **Sustained**.

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<sup>59</sup> G03-02 (II)(A), De-escalation, Response to Resistance, and Uses of Force (effective June 28, 2023, to present).

<sup>60</sup> G03-02 (III)(B)

<sup>61</sup> G03-02 (III)(B)(3).

<sup>62</sup> Att. 65, pg. 22, ln. 24 to pg. 23, ln. 9.

<sup>63</sup> Att. 73, IV, C, 1, a, (2) (Page 7).

<sup>64</sup> Att. 73, IV. C. 1. a. (2) (a) (Page 7).

**C. Officer Donnelly was not justified in verbally abusing ██████████ or bystanders.**

Officer Donnelly directed profane and threatening language towards ██████████ in the course of trying to apprehend him.<sup>65</sup> In addition, when Officer Donnelly had almost completed the handcuffing of ██████████ he stopped assisting with the apprehension and directed his attention, and anger, at a female bystander in the crowd. Officer Donnelly yelled once, “Shut the fuck up!” and stood up then repeated the insult and added “Get the fuck back!” while pointing his finger at her.<sup>66</sup> Other officers were guarding the perimeter; this individual was several feet away and did not pose any reasonable threat to the officers. Although COPA was unable to determine what this bystander said to provoke such a reaction from Officer Donnelly, whatever her words were, they are entirely irrelevant. Members of the public benefit from a blanket entitlement to exercise their First Amendments rights when addressing public servants, even when their comments are critical, unkind, or even abusive. Officer Donnelly subsequently referred to a member of the public as a “bitch-ass motherfucker.”<sup>67</sup>

The Rules and Regulations of the Chicago Police Department (RRCPD)<sup>68</sup> impose an onerous duty of courtesy on police officers. These obligations are by no means reciprocal or in any other way based on the treatment police officers receive from members of the public.

Effective law enforcement depends upon a high degree of cooperation between the Department and the public it serves. The practice of courtesy in all public contacts encourages understanding and appreciation; discourtesy breeds contempt and resistance. The majority of the public are law abiding citizens who rightfully expect fair and courteous treatment by members of the Department. While the urgency of a given situation would demand firm action, *discourtesy or disrespect shown toward and citizen is indefensible*. The practice of courteous and respectful conduct by a member is not a manifestation of weakness; it is, on the contrary, entirely consistent with the firmness and impartiality that characterizes a professional police officer.<sup>69</sup>

Although COPA notes that ██████████ arrest was a high-stress incident involving a firearm, responding to such incidents is the point of having professional police officers. According to the relevant standards, CPD officers are required to exercise sufficient discipline to focus on the task at hand. They are certainly required to avoid responding in anger to comments from members of

<sup>65</sup> Att. 65, pg. 10, lns. 20 to 24 (“You know, I -- I know, you know, it's looking back at the camera now, you know, you -- you want to, you don't even remember what you're saying. And this -- I know I think I said, like, I know, "shoot you in the fucking head" or something like that.”).

<sup>66</sup> Att. 9, at 3:45 to 3:51; Att. 28, at 6:45:46 to 6:45:50.

<sup>67</sup> Att. 3, 4:58; Att. 9, at 4:57.

<sup>68</sup> Effective April 16, 2015.

<sup>69</sup> RRCPD, Article I.B.6. (emphasis added). Moreover, The Regulations Establishing the Duties of Members (incorporated within RRCPD at Article IV) further provide that sworn members will both “[m]aintain a military bearing and render military courtesy when in uniform” and “maintain a courteous and respectful attitude toward all persons.” This mandates a much higher level of discipline than demonstrated by Officer Donnelly during this incident.

the public, however critical. They are most certainly obligated to do so without attempting to antagonize members of the public by resorting to profanity, as Officer Donnelly did in this case. Therefore, COPA finds the allegations that Officer Donnelly directed abusive, threatening, and profane language at ██████████ and used profane language to taunt or denigrate individuals to be **Sustained**.

**E. Officer Donnelly did not hinder or attempt to hinder a person or persons from video recording a law enforcement officer.**

The *Illinois Officer Worn Camera Act*, at 50 ILCS 706/20(a)(11) provides that no officer may hinder or prevent any member of the public from recording a law enforcement officer who is performing his or her duties in a public place. The first amendment to the federal Constitution provides similar protections.<sup>70</sup> The relevant portion of the state statute does provide an exception: “an officer may take reasonable action to maintain safety and control, secure crime scenes and accident sites, protect the integrity and confidentiality of investigations, and protect the public safety and order.”<sup>71</sup>

Although Officer Donnelly was armed, in the presence of multiple armed colleagues all having the power of arrest, and angrily confronted at least two members of the public, the available evidence did not indicate that he physically hindered or attempted to hinder these individuals or other members of the public from recording the officers.

In particular, one bystander approached Officer Donnelly and appeared to record the officer on his cell phone. Officer Donnelly confronted this individual, but there was no evidence that the officer hindered or attempted to hinder him from recording the incident. Officer Donnelly did not, for example, take the individual’s cell phone from him, knock it out of the individual’s hand, or in any way physically prevent him from continuing to record the officers. By clear and convincing evidence, COPA therefore finds this allegation to be **Unfounded**.

**F. There is insufficient evidence to prove whether Officer Donnelly’s pointing of his firearm at ██████████ constituted misconduct. Officer Donnelly properly reported the firearm pointing incident.**

CPD policy notes that pointing a firearm at a person constitutes a seizure and must be documented as such according to CPD policy.<sup>72</sup> The policy states the standard to determine whether pointing a firearm is appropriate, stating:

Department members may only point a firearm at a person when it is objectively reasonable to do so under the totality of the circumstances faced by

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<sup>70</sup> The interpretation of Amendment I to the federal Constitution in the seventh judicial circuit provides a judicial equivalent to the *Illinois Officer Worn Camera Act*. See *Am. Civil Liberties Union of IL v. Alvarez*, No. 11-1286 (7th Cir. 2012).

<sup>71</sup> S03-14, at para. III. G.

<sup>72</sup> Department Notice D19-01, Firearm Pointing Incidents (II)(C) (effective November 1, 2019, to present).

the member on the scene. While reasonableness is not capable of precise definition, Department members may consider factors that include, but are not limited to, the nature of the incident, the risk of harm *to the member or others*, and the level of threat or resistance presented *or maintained* by the person (e.g., possession or access to weapons).<sup>73</sup>

Subject to certain exceptions, following a firearm pointing incident, officers must follow the CPD notification procedures in Department Notice D19-01.<sup>74</sup> Officers who point a firearm at a person must “notify OEMC promptly after the incident has concluded.”<sup>75</sup> The officer’s notification must include the “beat number of the Department member who pointed a firearm at a person.”<sup>76</sup> “If multiple members point a firearm during the incident, each corresponding beat is required to make a notification . . . [t]herefore, multiple notifications may exist for a single incident.”<sup>77</sup> Officers are not required to notify OEMC for unholstering a weapon, holding a weapon in a “ready” position or any other position unless the firearm is pointed at a person.<sup>78</sup>

The Seventh Circuit has held that “gun pointing when an individual presents no danger is unreasonable and violates the Fourth Amendment.”<sup>79</sup> The reasonableness of an officer’s firearm pointing depends on the facts of the case.<sup>80</sup> “[W]hile police are not entitled to point their guns at citizens when there is no hint of danger, they are allowed to do so when there *is* reason to fear danger.”<sup>81</sup> Cases in which courts have found firearm pointing reasonable include a case where police knew a person they were searching for when executing a search warrant owned a gun.<sup>82</sup> In another case, firearm pointing was reasonable where officers executing a search warrant for deadly weapons and believed a person involved in a shooting lived at the residence.<sup>83</sup> Cases in which courts have found firearm pointing unreasonable include a case where officers pointed a weapon at an elderly man’s head for ten minutes after realizing he wasn’t the suspect they sought, and he presented no resistance.<sup>84</sup> In another case, pointing a firearm at a nine-year old child and threatening to pull the trigger.<sup>85</sup>

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<sup>73</sup> Department Notice D19-01 (II)(E) (emphasis in original).

<sup>74</sup> Department Notice D19-01, Firearm Pointing Incidents (effective November 1, 2019, to present).

<sup>75</sup> Department Notice D19-01 (III)(A). *See* D19-01 (II)(A) for the limited situations in which CPD members are not required to notify OEMC after pointing a firearm at a person.

<sup>76</sup> Department Notice D19-01 (III)(A) (1).

<sup>77</sup> Department Notice D19-01 (III)(A)(2) (emphasis removed).

<sup>78</sup> Department Notice D19-01 (II)(B). Please note this does not relieve the officer of any potential liability under a Fourth Amendment analysis, it only applies to the officer’s duty to notify OEMC.

<sup>79</sup> *Baird v. Renbarger*, 576 F.3d 340, 344-45 (7th Cir. 2009).

<sup>80</sup> *Cruz v. City of Chicago*, No. 20-cv-250, 2021 U.S. Dist. LEXIS 119965, at \*15 (N.D. Ill. June 28, 2021) (“The reasonableness of brandishing a weapon depends on the unique facts of each case, from a boots-on-the-ground perspective.”)

<sup>81</sup> *Baird*, 576 F.3d at 346.

<sup>82</sup> *L.A. County v. Rettele*, 550 U.S. 609, 611 (2007).

<sup>83</sup> *Muehler v. Mena*, 544 U.S. 93, 95 (2005).

<sup>84</sup> *Jacobs v. City of Chicago*, 215 F.3d 758, 773-74 (7th Cir. 2000).

<sup>85</sup> *McDonald v. Haskins*, 966 F.2d 292, 294 (7th Cir. 1992).

Here, Officer Donnelly and the other officers were aware that [REDACTED] was likely unlawfully in possession of a firearm. When Officer Donnelly exited the police vehicle, [REDACTED] was actively resisting arrest by, first, running from Officer Vecchio and, then, pulling away his arms. Officer Donnelly believed that [REDACTED] was reaching for his firearm and, although COPA concludes that this was not the case, that belief on Officer Donnelly's part is not entirely unreasonable.

Officer Donnelly pointed his firearm at [REDACTED] and told [REDACTED] that he was going to shoot him. Officer Donnelly later explained that he was attempting to gain compliance from [REDACTED]. When [REDACTED] continued to struggle with the officers, Officer Donnelly holstered his firearm and attempted to handcuff [REDACTED]. Shortly afterwards, Officer Donnelly unholstered his firearm a second time, pointed it at [REDACTED] at very close range, and told [REDACTED] he would get shot. [REDACTED] however, continued to actively resist until the officers were finally able to disarm him and place him in handcuffs. Although any shots from Officer Donnelly's firearm would have clearly been excessive, in the circumstances there is insufficient evidence for COPA to conclude that Officer Donnelly's threat to use the firearm constituted misconduct. COPA therefore finds the allegation that Officer Donnelly pointed a firearm at [REDACTED] without justification to be Not Sustained.

COPA also served the allegation that Officer Donnelly failed to make the required notifications of a firearm pointing incident. However, Officer Donnelly stated that he did notify OEMC of the firearm-pointing incident and a subsequent search of OEMC records and transmissions confirmed he did so. COPA therefore finds this allegation to be **Unfounded**.

#### **G. Officer Vecchio's foot pursuit of [REDACTED] followed CPD policy.**

CPD policy states that members may only engage in or continue a foot pursuit if there is a valid law enforcement need to detain the person that members reasonably believe outweighs the threat to safety posed by pursuit.<sup>86</sup> A valid law enforcement need to detain a person exists when the members establish reasonable articulable suspicion or probable cause to believe that (1) the person being pursued has committed, is committing, or is about to commit a felony, a Class A misdemeanor, a traffic offense that endangers the physical safety of others, or (2) the person being pursued is committing or is about to commit an arrestable offense that poses an obvious physical threat to any person.<sup>87</sup>

CPD policy further provides that a decision to initiate or continue a foot pursuit "must be continuously re-evaluated in light of the circumstances presented at the time."<sup>88</sup> Specifically, the policy indicates that officer should consider alternatives to engaging in or continuing a foot pursuit in certain situation that pose a "particularly high risk" to officers, bystanders, or the person being

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<sup>86</sup> G03-07, at para. IV.B.

<sup>87</sup> G03-07, at para. IV.B.1.

<sup>88</sup> G03-07, at para. IV-B-2.

pursued.<sup>89</sup> For example, CPD policy warns of circumstances where the pursued person is visibly armed with a firearm; where the person enters a confined space or isolated area and there are insufficient CPD members to provide backup and containment; or where the officer becomes aware of unanticipated circumstances that unreasonably increase the risk to the officers or civilians.<sup>90</sup>

Here, Officer Vecchio arrived on the scene and jogged toward ██████ who did not appear to have noticed the officer's arrival. When ██████ turned his head and saw Officer Vecchio, ██████ attempted to flee. Although the foot pursuit was very short, Officer Vecchio, knowing ██████ was a felon and was likely unlawfully in possession of a firearm, pursued ██████. Based on this knowledge, Officer Vecchio had probable cause to arrest ██████ and at least some basis to believe that there was a possibility that a failure to effect the arrest could pose greater risk than not pursuing ██████. While it is not apparent that ██████ was about to commit a felony that endangered the physical safety of others, the foot pursuit was within CPD policy. This allegation is therefore **Exonerated**, by clear and convincing evidence.

**H. There is insufficient evidence to conclude whether the other officers improperly failed to intervene and/or report the excessive use of force by Officer Donnelly.**

A "Department member who directly observes a use of force and identifies the force as excessive or otherwise in violation of this directive will act to intervene on the person's behalf. Such action may include, but is not limited to, verbally or physically intervening to try to stop the violation."<sup>91</sup> Rule 22 also obligates officers to report any violations of the Rules.

Officers Vecchio, Kirwan, Accardo, Strnad, and Vega stated that they did not become aware of their colleague's use of a police radio to strike ██████ on the head until after the incident. BWC footage indicated that Officers Vega and Accardo were securing the perimeter as the other officers were attempting to place ██████ in custody. Officers Vecchio, Kirwan, and Strnad said that they were focused on ensuring that ██████ was handcuffed and prevented from reaching his firearm and did not know what Officer Donnelly was doing at the time. There is insufficient evidence to conclude that the accused officers committed misconduct in failing to intervene or report Officer's Donnelly's use of excessive force. These allegations are therefore **Not Sustained**.

**VI. DISCIPLINARY RECOMMENDATION**

**a. Officer Michael Donnelly**

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<sup>89</sup> G03-07, at para. VI.

<sup>90</sup> G03-07, at para. VI.

<sup>91</sup> G03-02, at para. VII.A.1.

### i. Complimentary and Disciplinary History<sup>92</sup>

Officer Donnelly joined CPD on November 4, 2013. In the intervening period he has received 196 awards, including 168 honorable mention certificates, 10 department commendation awards, two honorable mention ribbon awards, one police officer of the month award, two awards from outside government agencies, one special commendation award, one top gun arrest award, one traffic stop of the month award, one unit meritorious performance award, one annual bureau award of recognition, and one complimentary letter.

In the last five years, Officer Donnelly has one instance of sustained discipline for a failure to inventory seized currency for which no discipline was imposed.<sup>93</sup> Officer Donnelly also received three SPAR infractions in 2024 (for failure to timely activate BWC, medical roll violation, and preventable accident), resulting in two reprimands.

Officer Donnelly received three additional instances of sustained discipline: a five-day suspension for a 2017 incident in which he failed to properly announce before entering premises to be searched,<sup>94</sup> a three-day suspension for a 2019 incident in which he improperly stopped a pedestrian, improperly searched a vehicle, and failed to timely activate his BWC,<sup>95</sup> and a three-day suspension for another 2019 incident in which he improperly searched a vehicle, failed to timely activate his BWC, and failed to properly complete an ISR.<sup>96</sup>

### ii. Recommended Discipline

In this case Officer Donnelly demonstrated an unprofessional inability to regulate his behavior when dealing with members of the public as well as a lack of self-control and discipline in utilizing the correct amount of force. He did so in a very public setting and his actions brought significant negative attention and discredit upon the Department. Additional aggravating factors here include the fact that the victim is a member of the public, as well as Officer Donnelly's conduct having exposed CPD to civil liability. Although Officer Donnelly admitted using profanity against [REDACTED] and members of the public at the scene, he did not show remorse and sought to excuse the misconduct. He also denied the allegations of excessive force. In the circumstances, COPA recommends that the officer **be suspended for a period of 30 to 89 days.**

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<sup>92</sup> Att. 77, 78. Officer Donnelly also has a recently closed case with Sustained findings. In 2024-0002875, he received a five-day suspension for, among other things, verbally abusing the complainant during a traffic stop. COPA notes this disciplinary decision is subject to the grievance process laid out in the Fraternal Order of Police collective bargaining agreement and did not consider it in making this disciplinary recommendation.

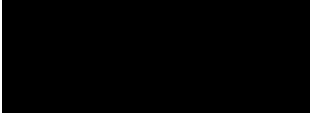
<sup>93</sup> 2021-0000097.

<sup>94</sup> 2018-1091837.

<sup>95</sup> 2019-0000246.

<sup>96</sup> 2019-0004600.

Approved:



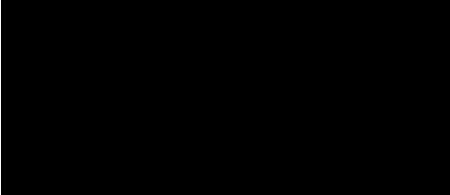
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*Shannon Hayes*  
*Acting Deputy Chief Administrator*

December 24, 2025

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Date



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*LaKenya White*  
*Interim Chief Administrator*

December 24, 2025

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Date

**Appendix A**

**Case Details**

Date/Time/Location of Incident:	July 30, 2024 / 6:45 pm / 882 N. Cambridge Avenue
Date/Time of COPA Notification:	July 30, 2024 / 8:29 pm
Involved Member #1:	DONNELLY, Michael; star # 13784; employee ID# [REDACTED] Date of Appointment: November 4, 2013; Unit 018; <sup>97</sup> Male; White.
Involved Member #2:	VECCHIO, Joseph; star # 14469; employee ID# [REDACTED] Date of Appointment: October 16, 2019; Unit 006/018; Male; White.
Involved Member #3:	KIRWAN, Patrick; star # 6488; employee ID# [REDACTED] Date of Appointment: October 16, 2017; Unit 018; Male; White.
Involved Member #4:	ACCARDO, Anthony; star # 10627; employee ID # [REDACTED] Date of Appointment: February 29, 2016; Unit 018; Male; White.
Involved Member #5:	STRNAD JR., Michael; star # 19910; employee ID # [REDACTED] Date of Appointment: March 16, 2017; Unit 018; Male; White.
Involved Member #6:	VEGA, Felix; star # 10922; employee ID # [REDACTED] Date of Appointment: May 16, 2017; Unit 018; Male; White Hispanic.
Involved Individual #1:	[REDACTED] Date of Birth: [REDACTED], 1991; 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.

<sup>97</sup> All Units listed in this section are at the time of the incident.

- 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.
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- Rule 38:** Unlawful or unnecessary use or display of a weapon.

**Applicable Policies and Laws**

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- U.S. Const. amend. IV
- 430 ILCS 66/10, Conceal Carry Act
- G03-02: De-escalation, Response to Resistance, and Use of Force (effective June 28, 2023)
- G03-02-01: Response to Resistance and Force Options (effective June 28, 2023)
- G03-07: Foot Pursuits (effective August 29, 2022)
- S04-13-09: Investigatory Stop System (effective July 10, 2017)
- D19-01: Firearm Pointing Incidents (effective November 1, 2019)

## 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>98</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>99</sup>

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<sup>98</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>99</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