

SUPPLEMENTAL SUMMARY REPORT OF INVESTIGATION¹

Date/Time/Location of Incident:	August 7, 2019/ 6:42 pm/ 1003 N. Cambridge Avenue
Date/Time of COPA Notification:	August 12, 2019/ 2:55 pm
Involved Officer #1:	Michael Bryant, Star# 10680, Employee# [REDACTED] Date of Appointment: February 29, 2016, Officer, 018/704, DOB: [REDACTED], 1990, Male, White
Involved Individual #1:	[REDACTED] DOB: [REDACTED], 2002, Male, Black
Involved Individual #2:	[REDACTED] DOB: [REDACTED], 1998, Male, Black
Case Type:	Excessive Force/ Verbal Abuse/ Operation Violations

I. ALLEGATIONS

Officer	Allegation	Finding
Officer Michael Bryant	<p>It is alleged by COPA, by and through Deputy Chief Matthew Haynam, that on or about August 7, 2019, at approximately 6:42 pm. at or near 1003 N. Cambridge Avenue, Officer Michael Bryant, star 10680, committed misconduct through the following acts or omissions:</p> <ol style="list-style-type: none"> 1. Striking [REDACTED] with a closed fist, without justification; 2. Pointing his firearm at a group of bystanders, without justification ; 3. Attempting to strike a cell phone from the hand of a bystander, without justification; 4. Addressed a black, male bystander as “boy”; 5. Directing profanities at [REDACTED] and/or a group of bystanders; and 6. Making a false, incomplete, inaccurate, and/or misleading statement(s) when completing the tactical response report related to RD# JC383054. 	<p>Sustained</p> <p>Sustained</p> <p>Sustained</p> <p>Sustained</p> <p>Sustained</p> <p>Sustained</p>

¹ COPA closed this log on December 30, 2022. CPD requested that COPA re-open the case to conduct further investigation on March 27, 2023. Att. 31. In particular, CPD requested that Officer Bryant be presented with video or audio evidence related to the use of force against [REDACTED] and given an opportunity to amend his original statement. See Att. 33. COPA agreed to CPD’s request and re-interviewed Officer Bryant on June 12, 2023. Att. 39.

<p>7. It is alleged by COPA, that on or about August 7, 2019, at approximately 9:31 pm at or near 1160 N. Larrabee St, Officer Michael Bryant, star 10680, committed misconduct through the following acts or omissions: making a false, incomplete, inaccurate and/or misleading statement on his TRR regarding the manner in which he struck [REDACTED]²</p>	<p>Sustained</p>
<p>8. It is alleged by COPA, that on or about July 12, 2021, at approximately 4:16 om at or near 1615 W. Chicago Avenue, Officer Michael Bryant, star 10680, committed misconduct through the following acts or omissions: making a false, incomplete, inaccurate and/or misleading statement to COPA regarding the manner in which he struck [REDACTED]</p>	<p>Sustained</p>

I. APPLICABLE RULES AND LAWS

Rules

1. Rule 1 – Violation of any law or ordinance.
2. Rule 2 – Any action or conduct which impedes the Department’s office to achieve its policy and goals or discredit upon the Department.
3. Rule 3 – Any failure to promote the Department’s efforts to implement its policy or accomplish its goals.
4. Rule 5 – Failure to perform any duty.
5. Rule 6 – Disobedience of an order or directive, whether written or oral.
6. Rule 8 – Disrespect to or maltreatment of any person, while on or off duty.
7. Rule 9 – Engaging in an unjustified verbal or physical altercation with any person, while on or off duty.
8. Rule 10 – Inattention to duty.
9. Rule 11 – Incompetency or inefficiency in the performance of duty.
10. Rule 14 – Making a false report, written or oral.

² Allegations 7 and 8 were served on Officer Bryant on June 12, 2023. Those allegations were numbered as 1 and 2, respectively, in the document served on Officer Bryant. Allegation 7 was intended to clarify the manner in which COPA found Officer Bryant’s TRR to be inaccurate. COPA acknowledges allegations 6 and 7 capture the same allegation of misconduct.

11. Rule 38 – Unlawful or unnecessary use or display of a weapon.

General Orders

1. General Order G03-02 (eff. Oct. 16, 2017 – Feb. 28, 2020)
2. General Order G03-02-01 (eff. Oct. 16, 2017 – Feb. 28, 2020)
3. General Order G03-02-02 (effective Oct. 16, 2017 – Feb. 28, 2020)

II. SUMMARY OF EVIDENCE³

COPA received a phone call from ██████████ (██████████) regarding her son, ██████████ (██████████) and his interaction with Chicago Police Department members. COPA reached out to ██████████ and ██████████ to obtain more information, but neither party cooperated with the investigation. Subsequently, COPA conducted a preliminary investigation and determined that further investigation was required, and COPA obtained an affidavit override.⁴ As part of the investigation, COPA interviewed Officer Michael Byrant⁵ and obtained and reviewed Officer Bryant's body-worn camera footage,⁶ Officer Victor Goetz' body-worn camera,⁷ and all Department-related reports.⁸

On August 7, 2019, officers assigned to the SDSC⁹ room monitored POD¹⁰ cameras in the vicinity of Locust and Cambridge. During the officers' observation, they saw a male Black with dreadlocks,¹¹ wearing a black t-shirt and jeans with red gym shoes manipulating a suspicious bulge that had a silhouette of a handgun.¹² The surveillance officers notified the responding officers that ██████████ might be in possession of a firearm. Responding officers relocated to the area where ██████████ was observed to perform an investigatory stop.

Officer Bryant arrived at the location, exited the vehicle, and pointed his weapon at a group of male Blacks sitting in a courtyard area.¹³ Officer Bryant and assisting officers "pursued ██████████ while he [ran]."¹⁴ The officers subsequently detain ██████████. As officers attempt to place ██████████ into handcuffs, Officer Bryant uses a closed fist to hit ██████████ once in the head area.¹⁵ While trying

³COPA conducted a full and complete investigation of this matter, including the interview of the involved officer and the collection and review of digital and documentary evidence. The following is a summary of the material evidence gathered and relied upon in the analysis.

⁴ Atts. 1 & 2.

⁵ Atts. 15 – 17.

⁶ Att. 8.

⁷ Att. 4.

⁸ Atts. 6, 7, 27,

⁹ Strategic Decision Support Centers

¹⁰ Police Observation Device.

¹¹ Now known as ██████████

¹² Att. 7.

¹³ Att. 8 at 00:30 to 00:40.

¹⁴ Att. 8 at 00:40 to 01:22.

¹⁵ Att. 4 at 01:57 to 01:58. See Figures 1 and 2.

to get ██████ to comply, Officer Bryant said, “give me your fucking hand jag off.”¹⁶ Officer Bryant also tells bystanders to “get the fuck back, get the fuck back.”¹⁷ Once ██████ is in custody, Officer Bryant leaves the area to search for his baton. Officer Bryant approaches a black male¹⁸ holding a cell phone, the male asks Officer Bryant a question, and Officer Bryant responds, “fucking jag off with a gun, fuck you.”¹⁹ Officer Bryant proceeds to push the cell phone out of his face.²⁰ Officer Bryant walks off from the male, and the male follows him. The male asks Officer Bryant for his badge number and responds, “get that camera out my face, boy.”²¹ Officer Bryant recovers his baton and leaves the area, the male continues to yell and curse at Officer Bryant and the officers on the scene. Officer Bryant responds, “scary ass motherfucker shut the fuck up, clown ass motherfuckers.”²²



Figure 1. Att. 4 at 1:57.

¹⁶ Att. 8 at 01:35 to 01:37.

¹⁷ Att. 8 at 01:44 to 01:46.

¹⁸ The black male/ bystander was identified as ██████ allegations were originally investigated under LOG #2019-3095. LOG #2019-3095 was closed and the allegations were investigated under LOG #2019-3174.

¹⁹ Att. 8 at 02:43 to 02:47.

²⁰ Att. 8 at 02:48.

²¹ Att. 8 at 02:53 to 03:02.

²² Att. 8 at 04:47 to 04:52.



Figure 2. Att. 4 at 1:58.

Officer Bryant provided COPA with a statement on July 12, 2021. He told COPA that before giving his statement he reviewed body-worn camera of another officer on scene during this incident, but he could not recall which officer it was. He also viewed footage posted by a civilian online.

With respect to striking ██████ Officer Bryant at first told COPA several times that he used an open-hand strike to the back of ██████ neck area.²³ He stated he hit him with the palm of his hand.²⁴ He considered it to be a diffused pressure strike. He later acknowledged that when he struck ██████ his hand was in a fist, but still maintained that he hit him with his palm.²⁵

Officer Bryant provided a second statement to COPA on June 12, 2023. COPA provided him another opportunity to review BWC related to the incident, and he viewed it. He stated he did not want to make any changes to the TRR he prepared related to this incident. Officer Bryant expressed confusion with the boxes available to check on the TRR and stated that he did not check the box labeled “closed hand strike/punch” because he did not punch ██████ He stated that he had never seen or performed an open hand strike before and believed there was some curling of the fingers in an open hand strike. He maintained that he did not punch ██████ but instead hit him with the palm of his hand. He told COPA that he had received use of force training 6 or 7 times since his original training in police academy. He stated that his training covered open hand strikes barely if at all.

²³ See, e.g., Att. 136, pg. 22, ln. 6; pg. 23, lns. 22-23 (“[s]o I’ve seen footage with my attorneys, any my hand comes up, and when I hit him, I hit him with the back of my palm - - or the front of my palm.”).

²⁴ Att. 135, pg. 23, lns. 5, 16.

²⁵ Att. 136, pg. 25, lns. 13-16, 20-22.

III. LEGAL STANDARD

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.²⁶ 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.”²⁷

IV. ANALYSIS AND CONCLUSION

COPA finds allegation #1 against Officer Bryant **Sustained** in that he struck ██████ with a closed fist without justification. General Order G03-02-01 outlines the various force options and the circumstances in which officers are authorized to use force. A resister is defined as a person who is uncooperative; resisters are further subdivided into passive resisters and active resisters. Active resister is defined as a person who attempts to create distance between himself or herself and the member’s reach with the intent to avoid physical control and/or defeat the arrest. This type of resistance includes but is not limited to evasive movement of the arm, flailing arms, and full flight by running.

According to Officer Bryant, he struck ██████ because he would not follow orders to show his hands and kept his hands under his body. Officer Bryant previously observed ██████ with a handgun and thought that ██████ was still in possession of the handgun when he refused to give his hands to the officers. However, COPA obtained and reviewed body-worn camera video from assisting officers on the scene and observed that ██████ had stopped running and had his hands

²⁶ 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 has found to be more probably true than not).

²⁷ *People v. Coan*, 2016 IL App (2d) 151036 ¶ 28 (2016).

up when officers first stopped him in the field. ██████ was taken to the ground, and his arms were under him. Even if ██████ was an active resister, direct mechanical strikes, a punch, would not be an approved force option under the general order.²⁸ Officer Bryant reacted excessively; ██████ clearly gave up and stopped running; there were several officers present who could have gotten ██████ hands behind his back without striking him. Furthermore, Officer Bryant was the only officer on the scene to use direct mechanical strikes during the arrest. Based on the reasons given, COPA recommends a finding **Sustained**.

COPA finds allegation #2 against Officer Bryant is **Sustained** in that he pointed his firearm at a group of bystanders without justification. An officer's pointing of a firearm constitutes a seizure under the Fourth Amendment and therefore must be reasonable to be constitutional.²⁹ According to Officer Bryant, he pointed his weapon at the group because he had previously observed ██████ standing with the same group with a firearm.³⁰ However, Officer Bryant was unaware if ██████ was still with the group when he arrived at the scene or whether ██████ possessed a weapon. When Officer Bryant arrived at the location, ██████ was observed running away from the group of bystanders. There was no danger or threat to Officer Bryant or any other person on scene when they arrived, and his pointing was therefore not reasonable. Based on these facts, COPA recommends a finding of **Sustained** for allegation #2.

COPA finds allegation #3 against Officer Bryant **Sustained** in that he attempted to strike a cell phone from the hand of a bystander without justification. Rule 9 prohibits members from engaging in any unjustified verbal or physical altercation with any person while on or off duty. Officer Bryant admitted to having an encounter with the bystander, and he stated that he attempted to swipe the wrist of the bystander and not necessarily the cell phone. Officer Bryant said he was trying to get the cell phone out of his face. However, COPA found that the bystander was standing at the scene, and even though he did direct a comment at Officer Bryant, he did not move from his initial position. Officer Bryant initiated the contact when he approached the bystander and started engaging with him, and as such, COPA finds this allegation **Sustained**.

COPA finds allegation #4 against Officer Bryant **Sustained** in that he addressed a Black male bystander as "boy." Officer Bryant admitted to calling a bystander a "boy," but he stated that the bystander was using the term "boy," and he just used the term back. However, the video does not capture the bystander using the term "boy" and COPA therefore finds Officer Bryant's statement not credible. Officer Bryant said he did not use the term as a racial slur. Even if he did not intend

²⁸ Officer Bryant alternatively said he considered ██████ an assailant because he believed he was reaching for a firearm because he was reaching towards his waist. However, ██████ arms appear to be behind his back as several officers placed their hands on him and it is more likely than not that he could not have threatened force that could have caused death or great bodily injury. See G03-02(III)(C). Officer Bryant's TRR provides that ██████ possessed a weapon but not that he displayed or used it. See Att. 27.

²⁹ See U.S. v. Howard, 729 F.3d 655, 659-660 (7th Cir. 2013).

³⁰ Officer Bryant first suggested that in his recent experience, people in groups where a person has a firearm will prevent police from reaching the armed person. He therefore believed he needed to point his firearm to prevent that activity. Upon further questioning, however, Officer Bryant admitted he had no such experience and that instead he had heard of this talked about. He did not provide further specifics. Att. 36, pgs. 18-20; Ins. 14-24; 1-24; 1. An officer's experience is a factor in considering the reasonableness of the officer's actions in a particular instance. The evidence establishes that Officer Bryant in fact had no experience with individuals in groups seeking to protect an armed offender by obstructing officers. COPA therefore discounts this aspect of Officer Bryant's rationale for pointing his weapon at the group in this case.

it as a slur, calling an adult civilian a “boy” is disrespectful and unprofessional. COPA finds this allegation is **Sustained**.

COPA finds allegation #5 against Officer Bryant **Sustained** in that he directed profanities at [REDACTED] and bystanders. Rule 8 prohibits the disrespect to or maltreatment of any person, while on or off duty. Officer Bryant admitted to using profanities during the incident, and the video evidence captured this profanity. COPA finds this allegation **Sustained**.

COPA finds allegations #6-8 against Officer Bryant **Sustained** in that he made a false, incomplete, inaccurate, and/or misleading statement when completing the tactical response report related to RD# JC383054 and that he provided a false statement to COPA by stating that he struck [REDACTED] with this palm.

CPD Rule 14 forbids an officer from making a false report, written or oral.³¹ The officers’ collective bargaining agreement provides that an officer cannot be found guilty of a Rule 14 violation unless it has been determined that (1) the officer willfully made a false statement and (2) the false statement was made about a fact that was material to the incident under investigation.³² A statement is “material” when the statement has “a natural tendency to influence, or are capable of influencing, the decision-making body to which it was addressed.”³³ COPA must also show that the statement was false.

Officer Bryant created a TRR report regarding the force he used when he arrested [REDACTED]. Officer Bryant said he used an open hand strike to [REDACTED] back to gain control. However, COPA reviewed assisting officers’ body-worn cameras, and it shows that Officer Bryant used a closed hand strike/punch to [REDACTED] back area. This shows that Officer Bryant’s statement that he used an open hand strike was false and/or inaccurate.³⁴ His statement that he hit [REDACTED] with his palm also cannot be credited. It defies common sense that his palm would have struck [REDACTED] given the angle and speed with which he struck him. It also defies common sense that an officer with Officer Bryant’s level of training on force tactics would fail to understand the distinction between open and closed hand strikes. In addition, the evidence establishes that Officer Bryant acted aggressively throughout this incident. His use of profanities at several people and his aggressive approach of others on the scene support the conclusion that he used excessive force and that he intended to punch [REDACTED] to gain compliance. Officer Bryant’s statements about the incident were material because the type of strike Officer Bryant used is of fundamental importance to assessing the reasonableness of his use of force in this incident and the accuracy of his reports. Officer Bryant’s statements were willful as there is no other plausible explanation for his insistence that he struck [REDACTED] with his palm. Officer Bryant viewed available video for this incident several times and was given ample opportunity to amend his statement. His decision to stand by his implausible

³¹ Att. 121.

³² *Agreement between City of Chicago Department of Police and Fraternal Order of Police Lodge No. 7* §6.1(M).

³³ *See U.S. v. Akram*, 152 F.3d 698, 700 (1998) (citing cases); *Taylor v. Police Bd.*, 2011 Ill. App., *P35 (1st) 101156 (1st Dist. 2011) (The test of materiality for an allegedly perjured statement is whether the statement tends to prove or disprove an issue in the case”).

³⁴ At best, Officer Bryant’s inaccurate explanation of his actions represents a severe inattention to duty.

account demonstrates his intent to deceive.³⁵ COPA finds this allegation **Sustained** in violation of rules 2, 3, 10, and 14.

V. RECOMMENDED DISCIPLINE FOR SUSTAINED ALLEGATIONS

a. Officer Michael Bryant

i. Complimentary and Disciplinary History

2 Department Commendations, 46 Honorable Mention, 1 Merit award. No Disciplinary history.

ii. Recommended Penalty, by Allegation

Officer Bryant used physical force against [REDACTED] without justification, pointed his firearm at a group of people without justification, called a bystander “boy,” made, adopted one or more false, misleading, inaccurate, and/or inconsistent statements on the TRR relating to his use of force against [REDACTED] and directed profanity at [REDACTED] and attempted to slap the phone out of [REDACTED] hand. Overall, Officer Bryant’s use of excessive force, disrespect to the public and violation of Rule 14 bring discredit on the Chicago Police Department. His conduct is unacceptable for a police officer and diminishes trust in the Department. It is for these reasons that COPA recommends a penalty of **Separation**.

[REDACTED]

Sharday Jackson
Deputy Chief Administrator – Chief Investigator

January 26, 2024

Date

[REDACTED]

Andrea Kersten
Chief Administrator

January 26, 2024

Date

³⁵ COPA also notes the several other instances in which Officer Bryant appeared to provide false and/or inaccurate statements regarding this incident. As discussed above, his claim that a bystander approached him with his phone in his face is not supported by video evidence. Similarly, his statement that bystanders were using the word “boy” before his use of the word is also not supported by video evidence. This demonstrates significant issues with Officer Bryant’s credibility more generally.