



Log # 2022-2537

FINAL SUMMARY REPORT¹

I. EXECUTIVE SUMMARY

On June 20, 2022, the Civilian Office of Police Accountability (COPA) received an initiation report from the Chicago Police Department (CPD). The reporting party, Lieutenant (Lt.) William McClelland III, Star #769, documented that on June 19, 2023, Sergeant (Sgt.) Kristophe Rigan, Star #1279, used deadly force by the application of a chokehold or other maneuver for applying direct pressure to a windpipe or airway.² Upon review of the evidence, COPA served allegations that Sgt. Rigan struck [REDACTED] on or about the head, without justification, and placed hands at or near the neck area of [REDACTED] without justification. Following its investigation, COPA reached sustained findings regarding both allegations of excessive force.

II. SUMMARY OF EVIDENCE³

On June 19, 2022, at approximately 10:40 pm, Sgt. Rigan responded to a disturbance at Whispers Restaurant (Whispers) at Oak Street Beach. Two employees of Whispers observed [REDACTED] jump over the barriers of the closed restaurant and threaten employees of Whispers after being told to leave the area.⁴ Sgt. Rigan approached [REDACTED] walking along the beach area near Whispers, asked him to come toward him to investigate the claims made by the Whispers staff about [REDACTED] actions, and identified himself as a CPD officer to [REDACTED] complied with Sgt. Rigan's orders and informed Sgt. Rigan he wanted his sandals from Whispers that he could not locate, which frustrated [REDACTED].⁵

Sgt. Rigan attempted to detain [REDACTED] and an altercation ensued on the sandy beach of Oak Street Beach, leading to both Sgt. Rigan and [REDACTED] falling to the sand from an initial standing position.⁶ Once on the sand, Sgt. Rigan stated that [REDACTED] attempted to strike him with a closed fist several times, punched Sgt. Rigan twice, and attempted to disarm Sgt. Rigan after one

¹ Appendix A includes case identifiers such as the date, time, and location of the incident, the involved parties and their demographics, and the applicable rules and policies.

² Att. 9; Att. 24, pg. 3. One or more of these allegations fall within COPA's jurisdiction pursuant to Chicago Municipal Code § 2-78-120. Therefore, COPA determined it would be the primary investigative agency in this matter.

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, police reports, officer interviews, and civilian interviews.

⁴ Att. 3, pg. 6.

⁵ Att. 48 at 16:55; Att. 3, pg. 6.

⁶ Att. 43 at 10:42.

handcuff was placed on ██████⁷ Sgt. Rigan also alleged that ██████ threw sand into Sgt. Rigan's face and eyes.⁸ Thereafter, Sgt. Rigan used several closed fist, direct mechanical strikes toward ██████ placed his hands at or near the neck area of ██████ and struck ██████ in the head while detaining ██████⁹

After ██████ was handcuffed, he was transported to Northwestern Memorial Hospital where his injuries sustained from this incident were documented, including an orbital floor fracture and nasal fracture.¹⁰ Upon release from the hospital, ██████ was transported to the 18th district station, where he was processed and charged with aggravated battery of a peace officer, criminal trespass to real property, simple assault, resisting/obstructing a peace officer, and attempting to disarm a peace officer.¹¹ Lt. McClelland reviewed the tactical response report (TRR) completed by Sgt. Rigan as well as Sgt. Rigan's BWC recording and noted that deadly force, specifically a chokehold, was used by Sgt. Rigan during this incident.¹²



Figure 1: Screenshot from Att. 23, BWC footage showing Sgt. Rigan's hands at or near the neck area of ██████¹³

⁷ Att. 3, pg. 6.

⁸ It should be noted that the alleged actions of ██████ striking, punching, and throwing sand toward Sgt. Rigan listed in the Incident Narrative section of the Arrest Report, Att. 3, pg. 6, are not observed on body-worn camera (BWC) footage, Att. 23. However, due to the placement of the camera and the positioning of Sgt. Rigan and ██████ it is possible that some, or all, of these actions may have occurred outside of the BWC's field of view.

⁹ Att. 23 at 4:01 to 4:11; Att. 24, pg. 1.

¹⁰ Att. 18, pgs. 9 to 10; Att. 12, photos 12 to 16.

¹¹ Att. 3, pg. 6.

¹² Att. 24, pgs. 3 to 4.

¹³ Att. 23 at 4:01.

III. ALLEGATIONS

Sgt. Kristophe Rigan:

1. Striking [REDACTED] on or about the head, without justification.
 - Sustained, Violation of Rules 2, 3, 6, 8, 9, and General Order G03-02.
2. Placing hands at or near the neck area of [REDACTED] without justification.
 - Sustained, Violation of Rules 2, 3, 6, 8, 9, and General Order G03-02.

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.

In this case, COPA interviewed Sgt. Rigan on June 29, 2023.¹⁴ COPA does not question Sgt. Rigan's ability to accurately perceive the event at the time of the incident or from memory during his interview. However, COPA does find Sgt. Rigan's description of the placement of his hands differs from what is depicted on the BWC footage.¹⁵ Sgt. Rigan told COPA that he believed his hands were never on [REDACTED] neck, his hands did not make contact with [REDACTED] neck, pressure was not applied to [REDACTED] neck, and that he merely grabbed [REDACTED] shirt as a control tactic, even after being afforded an opportunity to review his BWC footage multiple times directly before and during his statement to COPA.¹⁶ The BWC footage shows that Sgt. Rigan's hands were placed at [REDACTED] neck area for a duration of at least 7 seconds.¹⁷ Furthermore, Lt. McClelland denoted that deadly force, specifically a chokehold, was used by a member of CPD during this incident after reviewing Sgt. Rigan's TRR and the BWC footage.¹⁸

COPA finds that Sgt. Rigan was able to accurately perceive the incident, but the description he provided of his hand placement on [REDACTED] body is not credible.

¹⁴ Att. 47; Att. 48.

¹⁵ Att. 23 at 3:59 to 4:06.

¹⁶ Att. 48 at 31:00, 49:40, 50:03, 52:30, 56:00, 1:12:00, and 1:12:25.

¹⁷ Att. 23 at 3:59 to 4:06.

¹⁸ Att. 24, pgs. 3 to 4.

V. ANALYSIS¹⁹

a. Striking Allegation

COPA finds that **Allegation #1** against Sgt. Rigan, that he struck ██████████ on or about the head without justification, is **Sustained**. CPD members involved in a use-of-force incident must make an independent assessment and decision to use force based on the totality of the circumstances and whether such force is objectively reasonable, necessary, and proportional.²⁰ Force is defined as any physical contact by a CPD member, either directly or through the use of equipment, to compel a person's compliance.²¹ The main issue in evaluating every use of force is whether the amount of force used by the member was objectively reasonable in light of the totality of circumstances faced by the member on the scene, such as whether the person poses an imminent threat to the members or others and the level of harm, threat, or resistance by the person.²² CPD members must use the minimum amount of force needed to provide for the safety of any person or CPD member and must continually assess the necessity of the use of force and whether alternatives may be employed, including the use of de-escalation techniques.²³ Additionally, CPD members will use only the force that is proportional to the threat, actions, and level of resistance offered by a person and decrease the amount or type of force when or if the person offers less resistance.²⁴

Here, force was used by Sgt. Rigan to strike ██████████ in the head by administering several strikes to ██████████ face, cheek area, and head to have ██████████ comply with being detained, as a control tactic.²⁵ Sgt. Rigan denoted that the strikes to the head of ██████████ were intentional to combat the sand that was alleged to be thrown in Sgt. Rigan's eyes, as well as being struck several times by ██████████²⁶ Though Sgt. Rigan stated to COPA that ██████████ battered him to the level of causing great bodily harm,²⁷ the Evidence Technician (ET) photos and BWC footage do not depict such.²⁸ The actions of Sgt. Rigan were not reflective of or proportional to ██████████ actions. When Sgt. Rigan initially approached ██████████ on the beach, ██████████ was compliant.²⁹ ██████████ stopped complying when Sgt. Rigan informed ██████████ that he was being detained and proceeded to promptly grab ██████████ wrist.³⁰ Furthermore, trespassing and assault through verbal threats, the criminal offenses Sgt. Rigan was informed by Whispers staff that ██████████ committed prior to

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

²⁰ Att. 50, G03-02, De-escalation, Response to Resistance, and Use of Force (effective April 15, 2021, to June 28, 2023).

²¹ Att. 50, G03-02 (III)(A).

²² Att. 50, G03-02 (III)(B)(1).

²³ Att. 50, G03-02 (III)(B)(2).

²⁴ Att. 50, G03-02 (III)(B)(3).

²⁵ Att. 48 at 10:53 and 12:10; Att. 24, pg. 6.

²⁶ Att. 48 at 22:45; Att. 24, pg. 1.

²⁷ Att. 48 at 15:10.

²⁸ Att. 12; Att. 23.

²⁹ Att. 3, pg. 6.

³⁰ Att. 48 at 17:15.

Sgt. Rigan approaching ██████ on the beach, did not pose any imminent threat to Sgt. Rigan.³¹ Throughout the duration of the incident between Sgt. Rigan and ██████ Sgt. Rigan did not utilize the minimum amount of force needed to provide for the safety of ██████ or himself. Additionally, Sgt. Rigan did not continually assess the necessity of the use of force and whether alternatives may be employed, such as verbal de-escalation techniques or merely listening to the questions asked and statements made by ██████. Instead, Sgt. Rigan struck ██████ in the head multiple times.³² Moreover, medical records and ET photos of ██████ documented the injuries he sustained from being struck in the head by Sgt. Rigan repetitively, including an orbital floor fracture and nasal fracture.³³ Based upon the totality of the circumstances, the force used by Sgt. Rigan was not objectively reasonable, necessary, or proportional to the actions of ██████ and the level of harm or resistance did not warrant the number of strikes Sgt. Rigan made to ██████ head.

For these reasons, COPA finds the preponderance of the evidence shows that Sgt. Rigan's actions of excessive force by striking ██████ on or about the head, without justification, violated CPD policy and Rules 2, 3, 6, 8, and 9.

b. Hands at Neck Area Allegation

COPA finds that **Allegation #2** against Sgt. Rigan, that he placed his hands at or near the neck area of ██████ without justification, is **Sustained**. Under CPD policy, deadly force is force by any means that is likely to cause death or great bodily harm, including applying a chokehold, carotid artery restraint, or other maneuvers for applying direct pressure on a windpipe or airway.³⁴ The use of deadly force is a last resort that is permissible only when necessary to protect against an imminent threat to life or to prevent great bodily harm to the member.³⁵ A threat is imminent when it is objectively reasonable to believe that a person's actions are immediately likely to cause death or great bodily harm to the member.³⁶ CPD members must not use deadly force against a person who does not pose an imminent threat,³⁷ and CPD prohibits its members from using chokeholds or other maneuvers for applying direct pressure on a windpipe or airway, with the sole exception being as an act of last resort, when necessary to protect against an imminent threat to life.³⁸ Moreover, the CPD prohibits its members from using carotid restraints, chokeholds, or other maneuvers for applying direct pressure on a windpipe or airway as a takedown technique.³⁹

³¹ Att. 24, pg. 2; Att. 3, pg. 6.

³² Att. 23 at 4:02.

³³ Att. 18, pgs. 9 to 10; Att. 12, photos 12 to 16.

³⁴ Att. 50, G03-02 (IV)(A).

³⁵ Att. 50, G03-02 (IV)(C).

³⁶ Att. 50, G03-02 (IV) (B)(1).

³⁷ Att. 50, G03-02 (IV)(D)(1)(a).

³⁸ Att. 50, G03-02 (IV)(D)(2).

³⁹ Att. 50, G03-02 (IV)(D)(4).

In this case, Lt. McClelland denoted that deadly force, specifically a chokehold, was used by a member of CPD during this incident.⁴⁰ This use of deadly force by Sgt. Rigan was not used as a last resort, but as an emergency takedown or control technique after Sgt. Rigan approached ██████ and grabbed his wrist to detain him.⁴¹ Sgt. Rigan's hands were placed at ██████ neck area for a duration of at least seven seconds, demonstrating a more intentional placement of Sgt. Rigan's hands versus an incidental or accidental hand placement.⁴² Furthermore, during the timeframe that Sgt. Rigan's hands were placed at ██████ neck, a gurgling noise came from ██████ suggesting that direct pressure was applied to ██████ neck area and quite possibly blocked his airway.⁴³ Moreover, trespassing and assault through verbal threats, the primary criminal offenses Sgt. Rigan was informed by Whispers staff that ██████ committed prior to Sgt. Rigan approaching ██████ on the beach, did not pose any imminent threat to Sgt. Rigan.⁴⁴

It was not objectively reasonable to believe that ██████ actions were immediately likely to cause death or great bodily harm to Sgt. Rigan, even during the altercation that ensued, since ██████ was denoted by Sgt. Rigan as initially being compliant, immediately came over to talk to Sgt. Rigan when asked to do so, and only stopped complying with Sgt. Rigan when ██████ wrist was grabbed during the detention.⁴⁵ Sgt. Rigan asserted that he provided ██████ with multiple opportunities to comply again and utilized de-escalation tactics to promote compliance.⁴⁶ Sgt. Rigan also asserted that ██████ grabbed his holstered firearm and threw sand into Sgt. his eyes.⁴⁷ ██████ disarming or attempting to disarm Sgt. Rigan and throwing sand into Sgt. Rigan's eyes were not observed on the BWC footage,⁴⁸ but one civilian witness reported seeing ██████ grabbing Sgt. Rigan's firearm, while another civilian witness reported seeing ██████ grabbing the spare magazines for Sgt. Rigan's firearm.⁴⁹ The same witnesses also reported seeing ██████ punch Sgt. Rigan in the face.⁵⁰ As a result of this incident and altercation occurring on the sand at Oak Street Beach, it was possible that sand got into Sgt. Rigan's eyes, causing his vision to be compromised.⁵¹ By Sgt. Rigan's own account, ██████ attempts to grab Sgt. Rigan's firearm occurred after Sgt. Rigan used what he described as a "control technique around the upper center chest/neck area" and after Sgt. Rigan delivered "4-5 closed fist strikes to the assailant's face to gain control of him."⁵² ██████ later alleged attempt to disarm Sgt. Rigan cannot retroactively justify Sgt. Rigan's use of a chokehold and Sgt. Rigan's repeated strikes to ██████ face, which occurred earlier in the incident. When this incident is viewed in its entirety, the deadly force used by Sgt. Rigan was not objectively reasonable based on the totality of circumstances and based on

⁴⁰ Att. 24, pgs. 3 to 4.

⁴¹ Att. 48 at 17:15 and 1:04:00; Att. 3, pg. 6.

⁴² Att. 23 at 3:59 to 4:06.

⁴³ Att. 23 at 4:09.

⁴⁴ Att. 24, pg. 7.

⁴⁵ Att. 48 at 15:50 and 17:15.

⁴⁶ Att. 48 at 19:49.

⁴⁷ Att. 3, pg. 6.

⁴⁸ Att. 23.

⁴⁹ Att. 24, pg. 8.

⁵⁰ Att. 31 at 2:00 to 2:40 and 6:20 to 7:10.

⁵¹ Att. 24, pg.6.

⁵² Att. 24, pg. 6.

the level of resistance that [REDACTED] exhibited. For these reasons, COPA finds the preponderance of the evidence shows that Sgt. Rigan's used excessive force by placing his hands at or near the neck area of [REDACTED] without justification, in violation of CPD policy and Rules 2, 3, 6, 8, and 9.

VI. DISCIPLINARY RECOMMENDATION

a. Sgt. Kristophe Rigan

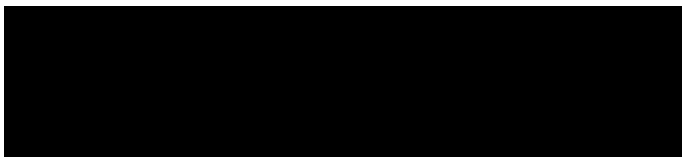
i. Complimentary and Disciplinary History⁵³

Sgt. Rigan has received the Police Blue Star Award, the Life Saving Award, seven Department Commendations, three complimentary letters, and at least 214 other awards and commendations. Sgt. Rigan has no sustained complaint registers within the past five years, but he has one sustained finding through the summary punishment process for a May 2023 incident where he failed to perform assigned tasks, although no disciplinary action was taken.

ii. Recommended Discipline

COPA has found that Sgt. Rigan violated Rules 2, 3, 6, 8, and 9 by using excessive force against [REDACTED] both by striking [REDACTED] repeatedly and by holding [REDACTED] by the neck. While Sgt. Rigan had justifiable reasons for using some force against [REDACTED] while placing [REDACTED] into custody, the amount of force that Sgt. Rigan used was not reasonable. The blows that Sgt. Rigan delivered to [REDACTED] head caused broken bones in [REDACTED] face, and the hold that Sgt. Rigan applied to [REDACTED] neck was defined as deadly force under CPD policy. Considering the nature of this misconduct, along with Sgt. Rigan's complimentary and disciplinary history, COPA recommends that Sgt. Rigan be suspended for a minimum of 20 days, up to 60 days at the discretion of the Superintendent.

Approved:



Angela Hearts-Glass
Deputy Chief Administrator – Chief Investigator

12-19-2023

Date

⁵³ Att. 52.

Appendix A**Case Details**

Date/Time/Location of Incident:	June 19, 2022 / 10:40 pm / 1001 N Lake Shore Dr., Chicago, Illinois
Date/Time of COPA Notification:	June 20, 2022 / 5:37 am
Involved Sergeant #1:	Kristopher Rigan, Star #1279, Employee ID # [REDACTED] DOA: March 25, 2002, Unit: 018, Male, White
Involved Subject #1:	[REDACTED] Willaims, 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 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.

Applicable Policies and Laws

- General Order G03-02, De-escalation, Response to Resistance, And Use Of Force (effective April 15, 2021, to June 28, 2023).

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.⁵⁴ 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.”⁵⁵

⁵⁴ 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).

⁵⁵ *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