



Mr. Max A. Caproni
Executive Director, Chicago Police Board
30 North LaSalle Street, Suite 1220
Chicago, Illinois 60602

Via Email

RE: Request for Review, Log #2024-0005809

Dear Mr. Caproni,

Pursuant to the Municipal Code of Chicago Section 2-78-130 and Police Board Rules of Procedure Section VI, please consider this letter a Request for Review of a non-concurrence between the Civilian Office of Police Accountability (COPA) and the Superintendent of the Chicago Police Department (CPD) in Log # 2024-0005809.¹

As set forth in detail in COPA's Final Summary Report (FSR) dated November 20, 2025, there is a compelling legal and evidentiary basis to support COPA's disciplinary recommendation that Police Officer Joseph Vecchio, Star #14469, receive a penalty of a 1 to 29 day suspension and retraining on the CPD's Use of Force policy, based on sustained findings that he yanked and/or pulled [REDACTED] hair without justification and grabbed and/or squeezed [REDACTED] by the neck without justification.

I. BACKGROUND

A. Relevant Factual Background²

On June 25, 2024, Officer Vecchio and his partner, Officer Richard Rodriguez Jr., were on routine patrol when they observed [REDACTED] and [REDACTED] obstructing the roadway near 41 W. Illinois Street.³ After seeing [REDACTED] and [REDACTED] officers observed them participate in an alleged hand-to-hand transaction.⁴ Officers then exited their vehicle and conducted an investigatory stop on both individuals.⁵ During this interaction, Officer Rodriguez observed [REDACTED] holding a clear bag with a white powdery substance.⁶ As Officer Vecchio handcuffed [REDACTED] appeared to

¹ As required by the Police Board Rules of Procedure, enclosed are copies of COPA's final summary report, CPD's non-concurrence letter (Non-Concurrence), and the certificate of meeting.

² A more detailed factual summary can be found in the FSR.

³ Att. 2; see also Att. 13 at pg. 2.

⁴ Att. 13 at pg. 2.

⁵ Att. 2; see also Att. 13 at pg. 2.

⁶ Att. 2 at pg. 2.

open his right hand and throw a white powdery substance into the air.⁷ Officer Rodriguez then ordered [REDACTED] to drop the bag on the ground. After multiple verbal commands, [REDACTED] dropped the clear knotted bag, but he attempted to step on it.⁸ At that time, Officer Rodriguez radioed for more officers to assist. Soon after, officers attempted to handcuff [REDACTED] who appeared increasingly uncooperative and resistant.⁹ Eventually, officers succeeded in placing both [REDACTED] and [REDACTED] into custody and transported them to the 18th District for processing. Narcotics were recovered from both individuals.¹⁰

B. Disputed Findings and Recommendations

The Superintendent disagrees with COPA's sustained findings for Officer Vecchio that Officer Vecchio yanked and/or pulled [REDACTED] hair without justification¹¹ and that Officer Vecchio grabbed and/or squeezed [REDACTED] by the neck without justification.¹²

C. Applicable CPD Policy

Officers are only permitted to use force when it is objectively reasonable, necessary, and proportional under the totality of circumstances.¹³ In evaluating whether a use of force is objectively reasonable, factors to consider include, but are not limited to, whether the person is posing an imminent threat to the member, the risk of harm or level of threat to the member or other persons, the level of resistance presented to the person, the person's proximity or access to weapons, whether de-escalation techniques can be employed, and the availability of other resources.¹⁴ Officers will continuously evaluate their positioning, the person's actions, and all available force options.¹⁵ Even if a use of force is deemed objectively reasonable, officers must still assess whether a use of force is necessary, by using the minimum amount of force required to conduct an arrest or bring a situation under control.¹⁶ Regarding the proportionality of a use of force, officers will only use force that is proportional to the threat, actions, and level of resistance offered by a person.¹⁷ If or when a person offers less resistance, the officer will decrease the amount or type of force accordingly.¹⁸

CPD policy specifically identifies a subject's potential levels of resistance according to three categories: cooperative person, resister (which is subdivided into passive resister and active resister), and assailant.¹⁹ A passive resister is "a person who fails to comply (non-movement) with

⁷ Att. 13 at pg. 2.

⁸ Att. 3 at 2:40; see also Att. 2, at pg. 2.

⁹ Att. 3 at 3:00 to 3:30.

¹⁰ Att. 2; see also Att. 13, at pg. 2.

¹¹ Allegation #1.

¹² Allegations #2. The Superintendent concurs with COPA's sustained allegation against Officer Vecchio related to Allegation #3, in that he failed to document a reportable use of force against [REDACTED] without justification.

¹³ G03-02(III)(B).

¹⁴ G03-02(III)(B)(1).

¹⁵ G03-02-01(III)(B)(1).

¹⁶ G03-02(II)(B)(2).

¹⁷ G03-02(II)(B)(3).

¹⁸ G03-02(II)(B)(3).

¹⁹ G03-02-01(IV)(A-C).

verbal or other direction,”²⁰ while an active resister is “a person who attempts to create distance between himself or herself and the member’s reach with the intent to avoid physical control and/or defeat the arrest.”²¹ An assailant is “a person who is using or threatening the use of force against another person or himself/herself which is likely to cause physical injury.”²² Different levels of force are permitted according to the level of resistance a person is exhibiting.²³

COPA thoroughly addressed and analyzed the applicable CPD policies at issue in its FSR. The Superintendent bears the burden of overcoming the Chief Administrator’s recommendation for discipline when he disagrees with that recommendation.²⁴ To prevail, the Superintendent must establish that his recommended disposition of the case is more reasonable than COPA’s “based on the nature of the misconduct alleged and the information contained in the Request for Review file.”²⁵

II. ARGUMENT

A. The evidence establishes that Officer Vecchio yanked and/or pulled [REDACTED] hair without justification.

While CPD states in their non-concurrence that the body-worn camera footage “does not depict Officer Vecchio yanking or pulling [REDACTED] hair,”²⁶ multiple officers’ cameras show it.²⁷ In the process of placing [REDACTED] in custody, Officer Vecchio came over to assist the three other officers who were restraining [REDACTED]. At that time, the three officers had [REDACTED] on the ground, were on top of him, and in the process of handcuffing his hands behind his back. The evidence shows Officer Vecchio coming over to the pile, reaching down, and grabbing [REDACTED] hair to yank it back with a firm pull.²⁸

At the time of Officer Vecchio’s use of force, [REDACTED] was restrained on the ground by three police officers and not providing any level of resistance that would justify Officer Vecchio’s actions. Officer Vecchio’s yanking and/or pulling of [REDACTED] hair was not objectively reasonable, necessary, or proportional to the resistance offered by [REDACTED] at the time force was utilized, as he was controlled on the ground by other officers.

While CPD classifies [REDACTED] as an active resister, COPA disagrees with this characterization of [REDACTED] actions. An active resister is defined by CPD policy as someone who attempts to create distance between themselves and the officer with the intent to avoid physical control and/or defeat arrest, among other situations. Again, it should be emphasized that at the moment Officer Vecchio yanked his hair, [REDACTED] hands were restrained and he had three officers physically on top of him

²⁰ G03-02-01(IV)(B)(1).

²¹ G03-02-01(IV)(B)(2).

²² G03-02-01(IV)(C).

²³ G03-02-01(IV).

²⁴ Chicago Mun. Code § 2-78-130 (a)(iii); Rules of Procedure, City of Chicago Police Board (VI) (February 18, 2021).

²⁵ Rules of Procedure, City of Chicago Police Board (VI) (E) (February 18, 2021).

²⁶ Att. 63 at pg. 2.

²⁷ The action is most clearly depicted on Officer Vecchio’s and Officer Rodriguez’s footage. See Att. 4 at 5:22. See also Att. 3 at 5:23.

²⁸ Att. 4 at 5:22. See also Att. 3 at 5:23.

while laying on the ground. Regardless of whether ██████ may have been attempting to evade control immediately prior to this positioning, he was under secure officer control by the time Officer Vecchio unnecessarily inserted himself in this interaction.²⁹

Conclusively, the yank and/or pull of ██████ hair by Officer Vecchio can not only be seen on body-worn camera, but it was also not objectively reasonable, necessary, or proportional under the circumstances when considering that ██████ was a handcuffed, restrained subject under the physical control of multiple officers.

B. Officer Vecchio was not justified in grabbing and/or squeezing ██████ neck

Shortly after grabbing ██████ hair and yanking it back, Officer Vecchio grabbed the front of ██████ neck.³⁰

CPD argues that Officer Vecchio did not violate any force policies when he came into contact with ██████ neck, stating that he merely utilized a “redirection technique” that did not interfere with ██████ ability to breathe.³¹ CPD also emphasizes that ██████ was an active resister and that there is no evidence to depict that Officer Vecchio inhibited ██████ ability to breathe. However, body-worn camera footage shows ██████ making a facial expression in immediate reaction to Officer Vecchio’s contact with his neck area.³² The fact that COPA was unable to obtain an interview from ██████ in order to ask him whether he recalled his breathing being impaired does not automatically mean the allegation or the conduct cannot be substantiated, especially where there is circumstantial evidence supporting COPA’s conclusions.

Officer Vecchio was not justified in utilizing a restraint or redirection technique involving ██████ neck or throat area at that time, as ██████ was not an active resister and did not present an imminent threat to Officer Vecchio or the other officers.³³

Conclusively, Officer Vecchio’s actions were in violation of CPD policy. Further, the evidence does demonstrate that ██████ breathing was more likely than not impaired in that moment by Officer Vecchio grabbing and/or squeezing his neck, constituting a prohibited restraint above the shoulders.

III. CONCLUSION

For these reasons, COPA maintains that the Superintendent has failed to meet his affirmative burden of showing COPA’s recommendations in this case are unreasonable. Accordingly, COPA

²⁹ It is unclear what actions CPD is pointing to when they state that ██████ was “actively resisting arrest by pulling away,” given that ██████ was laying on the ground and held by multiple officers. In fact, it is unclear how ██████ could have actively resisted even if he wanted to, considering that his hands and body were restrained by officers and his overall physical positioning.

³⁰ Att. 4 at 5:22. See also Att. 3 at 5:23.

³¹ Att. 63 at pg. 2.

³² Att. 6 at 2:58.

³³ See G03-02-01 at (V)(C), which states that “*Unless the person continues to pose an imminent threat of death or great bodily harm to the Department member or any other person, Department members will not restrain a person above the shoulders, including the head or neck, in a position which interferes with the person's ability to breathe.*”

respectfully requests that the Chicago Police Board reject the Superintendent's non-concurrence in this matter and accept COPA's findings and recommendations.

Respectfully,



LaKenya White
Chief Administrator
Civilian Office of Police Accountability