Log # 2025-1588

CIVILIAN OFFICE OF POLICE ACCOUNTABILITY

INTEGRITY • TRANSPARENCY • INDEPENDENCE • TIMELINESS

FINAL SUMMARY REPORT[1]

I. EXECUTIVE SUMMARY

On April 4, 2025, the Civilian Office of Police Accountability (COPA) received an initiation report[2] documenting a complaint made by [redacted] against Chicago Police Department (CPD) Officer John Pham. [redacted] alleged that on April 3, 2025, at approximately 11:24 pm, Officer Pham swore at him, pushed him, and injured his finger while placing him in handcuffs.[3] COPA served allegations that Officer Pham used excessive force against [redacted] and stated words to effect of "don't fucking move" to [redacted] without justification. Following its investigation, COPA reached **Not Sustained** findings regarding both allegations.

II. SUMMARY OF EVIDENCE[4]

On April 3, 2025, at approximately 11:00 pm, Officer Pham was on scene investigating a domestic battery incident that occurred near the intersection of North Ave. and Washtenaw Ave.[5] Officer Pham attempted to set up a perimeter so that Chicago Fire Department (CFD) personnel from Ambulance #48 could administer medical aid to the battery victim.[6]

Officer Pham repeatedly asked [redacted] and his companion to leave the scene, but [redacted] did not comply with Officer Pham's orders.[7] Instead, [redacted] walked from the scene at a very slow pace while he verbally sparred with Officer Pham.[8] After Officer Pham provided multiple verbal commands, he placed [redacted] into custody for obstructing a peace officer.[9] At this point, POD footage showed [redacted] actively resisting Officer Pham's attempt to handcuff him.[10] In [redacted] Arrest Report, Officer Pham stated that [redacted] stiffened his body, which necessitated the use of a holding technique to effect the arrest.[11] During the handcuffing, Officer Pham told

[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. 20, Initiation Report.
[3] Att. 20. COPA did not identify sufficient objective verifiable evidence to support the pushing allegation.
[4] The following is a summary of what COPA finds most likely occurred during this incident. This summary utilized information from several different sources, including POD footage, police reports, a civilian interview, and an officer interview.
[5] Att. 2, Arrest Report at pg. 2.
[6] Att. 2, at pg. 2.
[7] Att. 15, PO Pham BWC at 7:00 to 8:00.
[8] Att. 15, at 7:00 to 8:00.
[9] Att. 2, pg. 2; Att. 15 at 8:20 to 9:00.
[10] Att. 1, POD footage at 1:00 to 1:15.
[11] Att. 2, pg. 2.

[redacted] two times, "don't fucking move."[12] Finally, with the aid of Officer Jakub Cybul, Officer Pham successfully handcuffed [redacted][13]

[redacted] was arrested and charged with a misdemeanor count of resisting/obstructing a peace officer.[14] While at the scene, [redacted] complained of pain to his right hand, and Officer Pham briefly removed the handcuff and verified there was no visible injury.[15] [redacted] refused Officer Pham's offer of medical attention at the scene; however, once [redacted] was at the 14th District station, he complained of pain to his finger and was transported to Humbolt Park Health for medical treatment.[16] [redacted] was subsequently diagnosed with a fracture of the fourth metacarpal in his right hand.[17]

III. ALLEGATIONS

Officer John Pham:

1. Using excessive force against [redacted] without justification
   - **Not Sustained**

2. Saying words to effect of "don't fucking move" to [redacted] without justification
   - **Not Sustained**

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.

Officer Pham was forthcoming in his responses to COPA and appeared to be credible, as his statement reflected what happened in his BWC footage. COPA found that [redacted] account of the incident was overall accurate and likely reflected his experience of the incident. However, Officer Pham's testimony provided a more reliable account of the incident. For instance, [redacted] recounting did not indicate that he bore any responsibility for his arrest.

[12] Att. 15, at 8:30 to 8:40.
[13] Att. 16, PO Cybul BWC footage at 2:55 to 3:35.
[14] Att. 2, pg. 1; and Att. 37, [redacted] Court Search, COPA searched the Clerk of the Circuit Court of Cook County and found no records in connection with this arrest.
[15] Att. 29, PO Pham's TRR, pg. 5.
[16] Att. 29, pgs. 5 and 6; Att. 20, pg. 2; Att. 27, Case Report, pg. 2.
[17] Atts. 24 and 25, Medical Records.

V. ANALYSIS[18]

a. Excessive force allegation

COPA finds the allegation that Officer Pham used excessive force against [redacted] without justification, is **Not Sustained**. 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.[19] CPD members are only authorized to use force that is objectively reasonable, necessary, and proportional, under the totality of the circumstances, to provide for the safety of any person or CPD member, stop an attack, make an arrest, bring a person or situation safely under control, or prevent escape.[20] 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.[21]

During his statement, Officer Pham said that [redacted] was an active resister during the handcuffing.[22] This is corroborated by the POD footage, which shows that [redacted] attempted to defeat Officer Pham's attempt to handcuff him.[23] Furthermore, Officer Pham said that he used a wrist-lock control technique on [redacted] which is a maneuver where he turned [redacted] hand slightly to place the handcuffs on him.[24] CPD members are authorized to use wrist locks on both passive and active resisters.[25] Officer Pham denied using excessive force against [redacted][26]

In [redacted] interview, he said that Officer Pham "grabbed me from my … ring finger, my -- and my pinky. And that's when he grabbed me and twisted them."[27] However, COPA's review of the POD and BWC footage found no evidence indicating that Officer Pham used excessive force while handcuffing [redacted][28] While there is evidence that [redacted] sustained a fracture of the fourth metacarpal (bone in the hand) during the handcuffing,[29] the injury alone does not indicate that Officer Pham used excessive force against [redacted] As a result, COPA finds there is insufficient evidence to either prove or disprove the allegation by a preponderance of the evidence. Therefore, COPA finds this allegation is **Not Sustained**.

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[18] For a definition of COPA's findings and standards of proof, *see* Appendix B.
[19] Att. 36, G03-02 (II)(A), De-escalation, Response to Resistance, and Uses of Force (effective June 28, 2023, to present).
[20] Att. 36, G03-02 (III)(B).
[21] Att. 36, G03-02 (III)(B)(3).
[22] Att. 35, Officer Pham statement transcript, pg. 15, ln. 19.
[23] Att. 1, at 1:00 to 1:15.
[24] Att. 35, pg. 14, lns. 20 to 24, pg. 15, lns. 1 to 4.
[25] Att. 30, G03-02-01 (IV)(B)(1), Response to Resistance and Force Options (effective June 28, 2023, to present).
[26] Att. 35, pg. 37, lns. 1 to 4.
[27] Att. 31, [redacted] complainant statement, at Pg. 5, lns. 8 to 11.
[28] Att. 15, at 8:20 to 9:00; Att. 16, at 2:50 to 3:30; Att. 1, at 1:00 to 1:35.
[29] Att. 25, Medical Records.

b. Use of Profanity

COPA finds the allegation that Officer Pham said words to effect of "don't fucking move" to [redacted] without justification, is **Not Sustained**. Rule 9 prohibits officers from engaging in any unjustified verbal or physical altercation with any person. Additionally, CPD policy requires its members to "interact with all members of the public in an unbiased, fair, and respectful manner,"[30] "treat all persons with the courtesy and dignity which is inherently due to every person as a human being,"[31] and "act, speak, and conduct themselves in a courteous, respectful, and professional manner."[32]

BWC footage clearly captured Officer Pham tell [redacted] "don't fucking move,"[33] and during Officer Pham's interview, he acknowledged saying these words to [redacted][34] Officer Pham explained that he was "trying to be assertive…to gain voluntary compliance,"[35] and that he used this language in an attempt to de-escalate the situation.[36] COPA finds Officer Pham's explanation probable, but not definitive enough to meet the clear and convincing evidence standard that is required to exonerate this allegation under CPD policy. Therefore, COPA finds this allegation is **Not Sustained.**

Approved:

[redacted]

8/25/2026

Steffany Hreno
Deputy Chief Administrator

Date

[30] Att. 38, G02-01(III)(B)(1), Protection of Human Rights (effective June 30, 2022, to April 30, 2026).
[31] Att. 38, G02-01(III)(B)(2).
[32] Att. 38, G02-01(III)(B)(3).
[33] Att. 15, at 8:30 to 8:40.
[34] Att. 35, pg. 20, lns. 6 to 9.
[35] Att. 35, pg. 37, lns. 10 to 13.
[36] Att. 35, pg. 20, lns. 17 to 18.

Appendix A

Case Details

Date/Time/Location of Incident:	04/03/2025 / 11:00 pm / 1598 N. Washtenaw Ave., Chicago, IL 60622
Date/Time of COPA Notification:	04/04/2025 / 6:33 am
Involved Member #1:	John Pham / Star#15530 / Employee#[redacted] / Date of Appointment: 10/31/2012 / Unit of Assignment: 014 / Male / Asian
Involved Individual #1:	[redacted] / Male / Hispanic

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

- G03-02, De-escalation, Response to Resistance, and Uses of Force (effective June 28, 2023, to present).
- G03-02-01, Response to Resistance and Force Options (effective June 28, 2023, to present).
- G02-01, Protection of Human Rights (effective June 30, 2022, to April 30, 2026).

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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.[37] 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."[38]

[37] *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).
[38] *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