Log # 2025-0003628

FINAL SUMMARY REPORT[1]

I. EXECUTIVE SUMMARY

On July 21, 2025, the Civilian Office of Police Accountability (COPA) received a telephone complaint from [redacted] reporting alleged misconduct by members of the Chicago Police Department (CPD). [redacted] alleged that on December 31, 2024, Officers Thomas Clay and Ronald Pendleton Jr. arrested him without justification, which caused him to lose his job.[2] Upon review of the evidence, COPA served an additional allegation that Officer Davionta Morgan placed his hand on or about [redacted] neck, without justification. Following its investigation, COPA reached not sustained or exonerated findings for all of the allegations.

II. SUMMARY OF EVIDENCE[3]

At approximately 7:22 p.m. on December 31, 2024, Officers Clay, Pendleton, and Morgan responded to a call of a "person with a gun." The caller stated that a black female, last seen wearing an olive-colored coat with a fur-lined hood, was involved in a physical altercation with a male in the courtyard of the apartment building at [redacted][4] The caller further stated that the female had a firearm and had broken the window to the male's apartment.[5] The male was later identified as [redacted]

Upon the officers' arrival, the caller met them at the front gate, opened the gate to the building, and directed them to the apartment where [redacted] resided.[6] As the officers approached the apartment, they heard loud yelling and a commotion coming from inside.[7] The apartment door was partially open. The officers knocked on the door, causing it to open further, and announced their office.[8] Due to the officers responding to a call of a "person with a gun," the officers had their firearms unholstered.[9]

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[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] 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, civilian interviews, and officer interviews.
[4] Att. 4.
[5] Att. 4.
[6] Att. 20 starting at 2:48.
[7] Att. 20 starting at 3:28.
[8] Att. 20 starting at 3:39.
[9] Att. 62, pg. 13, lns. 9 to 17; Att. 65, pg. 11, lns. 2 to 9; Att. 68, pg. 9, lns. 15 to 20.

Body-Worn Camera (BWC) footage shows [redacted] quickly approaching the doorway and telling the officers to leave and get out of his home.[10] [redacted] then placed his hands on Officer Pendleton's chest and pushed him to prevent the officers from entering the apartment.[11] BWC further captured Officer Morgan placing his hand on or about [redacted] neck while pushing [redacted] back into the apartment to gain control.[12] A physical struggle ensued, in which officers performed an emergency takedown and placed [redacted] into handcuffs.[13]

Inside the apartment, officers observed a female who matched the caller's description. The female had bruising to her face that was consistent with having recently been involved in a physical altercation.[14] Two additional individuals, one male and one female, were also present inside the apartment. No firearms were recovered.

[redacted] was arrested and transported to the 002nd District for processing. He was charged with resisting/obstructing the officers, battery, and reckless conduct. The criminal case was later disposed.[15]

During their interviews with COPA, Officers Clay and Pendleton provided accounts that were consistent with one another.[16] They stated that the caller met them at the gate, directed them to [redacted] apartment, and that they heard yelling and loud music as they approached the residence. The officers further explained that the apartment door was partially open and opened further after they knocked and announced their office. Both officers stated that they had their firearms unholstered because they were responding to a "person with a gun" call.[17] [redacted] met them at the doorway, blocked the doorway, and pushed Officer Pendleton in the chest area.[18] The officers attempted to place [redacted] into handcuffs; however, he resisted, and they had to perform an emergency takedown before handcuffing him.[19]

During Officer Morgan's interview with COPA, he provided an account that was also consistent with that of Officers Clay and Pendleton. Officer Morgan added that he did not intentionally place his hand on [redacted] neck, and he believed that his hand may have slipped to [redacted] neck area during the struggle.[20]

[10] Att. 20 starting at 3:50.
[11] Att. 17 starting at 3:35.
[12] Att. 20 at 3:55; Att. 58; Att. 59.
[13] Att. 17 starting at 3:45.
[14] Att. 20 at 4:01.
[15] Att. 45.
[16] Att. 60: Att. 66.
[17] Att. 62, pg. 13, lns. 9 to 17; Att. 68, pg. 9, lns. 15 to 20.
[18] Att. 62, pg. 8, lns. 9 to 15; Att. 68, pg. 7, lns. 1 to 10.
[19] Att. 65, pg. 20.
[20] Att. 65, pg. 13 lns. 21 to 24.

III. ALLEGATIONS

Officer Davionta Morgan:

1. Placing his hand on or about [redacted] neck, without justification.
   - Not Sustained

Officer Ronald Pendleton Jr.:

1. Arresting [redacted] without justification.
   - Exonerated

Officer Ronald Pendleton Jr.:

1. Arresting [redacted] without justification.
   - Exonerated

IV. CREDIBILITY ASSESSMENT

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 then accurately recall the event from memory.

In this case, the CPD members' statements were consistent with each other, and they largely matched the events depicted on BWC footage and documented in the CPD reports. [redacted] also provided a statement to COPA, and his account of the incident was also consistent with the events depicted on BWC footage. This investigation did not reveal any evidence that caused COPA to question the credibility of any person who provided evidence.

V. ANALYSIS[21]

A. Placing his hand on or about [redacted] neck

COPA finds the allegation that Officer Morgan placed his hand on or about [redacted] neck without justification is **not sustained.** CPD members may only use force that is objectively reasonable, necessary, and proportional under the totality of the circumstances.[22] Force is defined as any physical contact by a CPD member, either directly or through use of equipment, to compel a person's compliance.[23]

[21] For a definition of COPA's findings and standards of proof, *see* Appendix B.
[22] Att. 69, G03-02, (III)(B)(1)-(3), De-Escalation, Response to Resistance, and Use of Force (effective June 28, 2023, to present).
[23] Att. 69, G03-02, (III)(A).

CPD policy defines deadly force as force by any means that is likely to cause death or great bodily harm. It includes, but is not limited to: the application of a chokehold (applying any direct pressure to the throat, windpipe, or airway of another), the application of a carotid artery restraint (techniques that compress the blood vessels in the neck to inhibit or restrict blood flow to carotid arteries), and the application of other restraints above the shoulders with risk of positional asphyxiation (use of a technique used to restrain a person above the shoulders, including the neck or head, in a position which interferes with the person's ability to breathe after the person no longer poses a threat to the officer or any other person).[24] In addition, CPD prohibits its members from using chokeholds or other restraints above the shoulders with risk of positional asphyxiation, with the sole exception being as an act of last resort, when necessary to protect against an imminent threat to life.[25]

During Officer Morgan's interview with COPA, he stated that [redacted] was an assailant due to him pushing Officer Pendleton.[26] CPD defines an assailant as a person who is using or threatening the use of force against another person which is likely to cause physical injury. Assailants are further subdivided into two categories: (1) a person whose actions are aggressively offensive with or without weapons, and (2) a person whose actions constitute an imminent threat of death or great bodily harm to a CPD member or to another person.[27] Chokeholds and other uses of deadly force are only authorized against the second category of assailants.[28]

Officer Morgan denied that he intentionally placed his hand on [redacted] neck, but he acknowledged that his hand might have slipped or been pushed towards [redacted] neck area during the struggle.[29] Although BWC footage shows Officer Morgan's hand on or about [redacted] neck area, it does not show the amount of pressure applied or whether Officer Morgan applied direct pressure to [redacted] windpipe or airway.[30] Prior to the force used by Officer Morgan, [redacted] made physical contact with Officer Pendleton by pushing him in the chest area.

COPA acknowledges that Officer Morgan made contact with [redacted] neck area but cannot determine that [redacted] airway was restricted. Notably, [redacted] himself did not allege that Officer Morgan choked him or impaired his ability to breathe. Therefore, there is insufficient evidence to prove or disprove the allegation. As such, this allegation is not sustained.

B. Arresting [redacted]

COPA finds the allegation that Officers Pendleton and Clay arrested [redacted] without justification is **exonerated**. An officer must have probable cause to arrest a person.[31] "Probable

[24] Att. 69, G03-02 (IV)(A) (4-6).
[25] Att. 69, G03-02 (IV)(D)(2).
[26] Att. 65, pg. 17.
[27] Att. 70, G03-02-01 (IV)(C), Response to Resistance and Force Options (effective June 28, 2023, to present).
[28] Att. 70, G03-02-01 (IV)(C)(2).
[29] Att. 65, pg. 13 lns. 21 to 24.
[30] Att. 20 at 3:55; Att. 58; Att. 59.
[31] People v. Johnson, 408 Ill. App. 3d 107, 119 (1st Dist. 2010) (citing Beck v. Ohio, 379 U.S. 89, 91, (1964)).

cause to arrest exists when the totality of the facts and circumstances known to a police officer would lead a person of reasonable caution to believe that the person apprehended has committed a crime, and its existence depends on the totality of the circumstances at the time of the arrest."[32] Officers may arrest a person when they have probable cause to believe that the person committed even a minor offense.[33]

In this case, [redacted] was arrested for resisting arrest, battery, and reckless conduct.[34] Officers Pendleton and Clay told COPA that [redacted] pushed Officer Pendleton in the chest area.[35] As stated above, [redacted] push did not appear to be forceful, but he still made physical contact with Officer Pendleton. In addition, BWC shows [redacted] resisting the officers' attempts to place handcuffs on him by pulling away, swinging his arms, and failing to comply with verbal commands.[36] Given the totality of the circumstances, COPA finds the officers had probable cause to arrest [redacted] Therefore, COPA exonerates this allegation.

Approved:

[redacted]

8/28/2026

Steffany Hreno
Deputy Chief Administrator

Date

[32] People v. D. W. (In re D. W), 341 Ill. App. 3d 517, 526 (1st Dist. 2003).
[33] Atwater v. City of Lago Vista, 532 U.S. 318, 354 (2001) (holding an arrest for a misdemeanor seatbelt violation only punishable by a fine did not violate the Fourth Amendment); People v. Fitzpatrick, 2013 IL 113449, ¶ 24 (holding an arrest for the petty offense of walking in the middle of the street did not violate Article I, Section 6 of the Illinois Constitution). Pursuant to the other requirements to searches incident to arrest, officers may also perform a search incident to a lawful arrest for minor violations of the law. People v. Fitzpatrick, 2013 IL 113449, ¶ 19 (citing People v. Hoskins, 101 Ill. 2d 209, 216 (1984)), ¶ 24.
[34] Att. 1.
[35] Att. 1; Att. 62, pg. 8, lns. 9 to 15; Att. 68, pg. 7, lns. 1 to 10.
[36] Att. 17 starting at 3:39.

Appendix A

Case Details

Date/Time/Location of Incident:	December 31, 2024 / 7:22 pm / 39 E. Garfield Blvd, Chicago, IL 60637
Date/Time of COPA Notification:	July 21, 2025 / 9:54 am
Involved Member #1:	Davionta Morgan, Star #3196, Employee ID# [redacted] DOA: August 31, 2022, Unit: 002, Male, Black
Involved Member #2:	Ronald Pendleton Jr., Star #11166, Employee ID# [redacted] DOA: November 16, 2017, Unit: 002, Male, Black
Involved Member #3:	Thomas Clay, Star# 4363, Employee ID# [redacted] DOA: November 27, 2018, Unit: 002, Male, Black
Involved Individual #1:	[redacted] 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

- G03-02: De-Escalation, Response to Resistance, and Use of Force (effective June 28, 2023, to present).
- G03-02-01: Response to Resistance and Force Options (effective June 28, 2023, to present).

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