

SUMMARY REPORT OF INVESTIGATION<sup>1</sup>

## I. EXECUTIVE SUMMARY

Date of Incident:	February 28, 2016
Time of Incident:	Approximately 8:00p.m.
Location of Incident:	XXXX N. Cleveland Avenue, Chicago, Illinois
Date of COPA Notification:	March 1, 2016
Time of COPA Notification:	12:42p.m.

On February 28, 2016, at approximately 8:00p.m., Subject 1 (“Subject 1”) was seated in a parked vehicle with her boyfriend, Subject 2 (“Subject 2”), near the Brown Line Chicago Transit Authority Sedgwick stop located at XXXX N. Sedgwick Avenue. Subject 2 was taken into custody by Chicago Police Officers, namely Officer A (“Officer A”) and Officer B (“Officer B”), and driven to the residence of Subject 1’s mother, Civilian 1 (“Civilian 1”), located at XXXX N. Cleveland Avenue. Subject 2 was arrested after Civilian 1 identified Subject 2 as the offender who abused her and Subject 1 in the past. Subject 1 attempted to prevent the arrest by grabbing onto the door handle of a leaving squad car. Officers A and B allegedly grabbed Subject 1 around the chest/waist area and threw her to the ground. The Civilian Office of Police Accountability (“COPA”) reviewed Subject 1’s allegation of excessive force and determined by a preponderance that all of the allegations made by Subject 1 were either Unfounded or Exonerated.

## II. INVOLVED PARTIES

Involved Officer #1:	Officer A; Star #XXXXXX; Employee ID #XXXXXX; DOA: XXXXXXXX XX, 2003; Unit #XXX; DOB: XXXX XX, 1972; Male, Hispanic
Involved Officer #2:	Officer B; Star #XXXXXX; Employee ID #XXXXXX; DOA: XXXXXXXX XX, 2012; Unit #XXX; DOB: XXXXXXXX XX, 1986; Male, White
Witness Officer #1:	Sergeant A; Star #XXXX; Employee ID #XXXXXX; DOA: XXXXXXXX XX, 1991; Unit #XXX; DOB: XXXXXX XX, 1967; Male, White
Subject #1:	Subject 1; DOB: XXXXXXXX XX, 1989; Female, White

<sup>1</sup> On September 15, 2017, the Civilian Office of Police Accountability (COPA) replaced the Independent Police Review Authority (IPRA) as the civilian oversight agency of the Chicago Police Department. Therefore, this investigation, which began under IPRA, was transferred to COPA on September 15, 2017, and the recommendation(s) set forth herein are the recommendation(s) of COPA.

**III. ALLEGATIONS**

<b>Officer</b>	<b>Allegation</b>	<b>Finding</b>
Officer A	1. Grabbed Subject 1 around the waist/chest area, in violation of Rule 8.	Unfounded
	2. Let go of Subject 1 causing her to fall forward to the ground, in violation of Rule 8.	Unfounded
Officer B	1. Grabbed Subject 1 around the waist/chest area, in violation of Rule 8.	Exonerated
	2. Let go of Subject 1 causing her to fall forward to the ground, in violation of Rule 8.	Exonerated

**IV. APPLICABLE RULES AND LAWS**

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Rules

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1. Rule 8: Prohibits disrespect or maltreatment of any person, while on or off duty.

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General Orders

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1. G03-02-02, Force Options

**V. INVESTIGATION<sup>2</sup>**

**a. Interviews**

In an **interview with the Independent Police Review Authority (“IPRA”) on March 2, 2016, Complainant Subject 1** stated that on February 28, 2016, she was seated in a parked vehicle with her boyfriend, Subject 2, when they were approached by the police. Officers, now known as Officers A and B, told Subject 1 that her mother, Civilian 1, called the police and reported that Subject 2 was stalking Subject 1. Officers A and B ordered Subject 1 and Subject 2 from the vehicle and they complied. Subject 2 was handcuffed, placed inside a squad car, and driven to Civilian 1’s residence. Subject 1 drove Subject 2’s vehicle to her mother’s residence. At Civilian 1’s residence, Subject 1 described herself as becoming “upset” and “angry” once she discovered that Civilian 1 made a complaint to the police against Subject 2. Sergeant A (“Sergeant A”) arrived at Civilian 1’s residence and conversed with Civilian 1. At some point during this conversation Civilian 1 was seated in Sergeant A’s squad car when Subject 1 grabbed onto the door of the squad car and demanded to know where they were going. Sergeant A instructed Subject 1 to release the door, which she did momentarily, but then she grabbed the door handle and demanded to speak

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<sup>2</sup> COPA conducted a thorough and complete investigation. The following is only a summary of the relevant material evidence gathered and relied upon in our analysis.

with Civilian 1. Officers approached Subject 1 and one of the officers<sup>3</sup> grabbed Subject 1 around the waist/chest area and pulled her away from the squad car while instructing her to “let go.” Subject 1 said the officer(s) also grabbed her arms and pulled her away from the squad car. When Subject 1 released the door handle the officers released their grasp of Subject 1 and she fell forward to the ground.<sup>4</sup>

In an **interview with COPA on November 20, 2017, Witness Subject 2** stated that after he and Subject 1 were approached by two officers, the officers explained to them that Civilian 1 accused him of stalking Subject 1. The officers then drove Subject 2 to Civilian 1’s residence. Subject 1 followed behind as she drove Subject 2’s vehicle. Subject 1 and Civilian 1 argued because Civilian 1 expressed that she wanted to file charges against Subject 2. One of the Officers radioed for a sergeant. Sergeant A responded to the scene and spoke first with Civilian 1, then with Subject 1, and then entered his vehicle. Subject 1 approached the driver’s side of Sergeant A’s vehicle and told him that Subject 2 had done nothing wrong. Subject 1 moved to the front of Sergeant A’s vehicle, then back to the driver’s side of Sergeant A’s vehicle where she pulled on the door handle while stating that Subject 2 had done nothing wrong. Sergeant A informed Officers A and B that Subject 1 was pulling on his door and instructed them to get Subject 1 away from his vehicle.

Subject 1 pulled on the door handle where Subject 2 was seated and then walked back in front of Sergeant A’s vehicle to prevent Sergeant A from leaving. Sergeant A ordered Officers A and B to remove Subject 1 from the front of his vehicle. Officer B approached Subject 1, grabbed her from behind by the shoulders “in a bear hug” position, and attempted to pull Subject 1 away from the vehicle. Subject 1 resisted by “wiggling” her body and kicking her legs. One of the officers lifted Subject 1 from the ground as another officer grabbed hold of Subject 1’s legs. The officers released Subject 1 and she fell to the ground.<sup>5</sup>

In an **interview with COPA on November 20, 2017, Witness Civilian 1** stated that her daughter, Subject 1, was a victim of domestic abuse by Subject 2. On the date and time of the alleged incident, Subject 1 called Civilian 1 and informed her that Subject 2 was stalking her. Civilian 1 called the police to report the incident. The police responded to the area, found Subject 1 and Subject 2, and returned to Civilian 1’s home with both of them. The police told Civilian 1 that she needed to go to the station with them to press charges against Subject 2, who was seated in a squad car outside Civilian 1’s residence. Subject 1 begged Civilian 1 not to press charges against Subject 2. Civilian 1 told Subject 1 that she had to press charges against Subject 2. Officers placed Civilian 1 in a different squad car than Subject 2 and locked the doors. Subject 1 stood outside the squad car and began crying and begging Civilian 1 not to go to the police station. Subject 1 also pulled on the door handle to get to Civilian 1, which is when officers forcefully removed Subject 1 away from the door. When directly asked to describe the physical contact between the officers and Subject 1, Civilian 1 indicated that when she turned around Subject 1 was on the ground and that she did not know how she got there. Civilian 1 further speculated that officers “probably pried [Subject 1’s] hand from the [door] handle.” Civilian 1 then clarified that she did not recall exactly what the physical contact was between Subject 1 and the officers.

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<sup>3</sup> Subject 1 initially indicated that only a single officer grabbed her; however, later during the interview she indicated that two officers grabbed her.

<sup>4</sup> Att. #11, #14, #23

<sup>5</sup> Att. #31, #32

However, later during the interview Civilian 1 was asked, “did two officers pull [Subject 1] from the car?” to which Civilian 1 replied, “yes.” Civilian 1 never saw any officer throw Subject 1 to the ground or “bear hug” her. Following the incident Civilian 1 was transported to the police station to press charges against Subject 2.<sup>6</sup>

In an **interview with COPA on January 10, 2018, Officer A** stated that he and Officer B were partners on the day of the incident and were dispatched to Civilian 1’s residence regarding a domestic disturbance involving Subject 1, Subject 2 and Civilian 1. Upon the officers’ arrival, Civilian 1 told the officers that Subject 1 was “in crisis,” was not herself, and may possibly be with Subject 2. Officers A and B toured the area in search of Subject 1 and Subject 2 when they observed Subject 1 and Subject 2 seated together in a parked vehicle near Civilian 1’s residence. Officers A and B detained Subject 2 and relocated to Civilian 1’s residence where Civilian 1 identified Subject 2 and expressed that she wanted to sign a complaint against him. When Subject 1 arrived, she started yelling at Civilian 1. Officers A and B called for a supervisor. Sergeant A arrived to transport Civilian 1 to the station to complete a complaint against Subject 2. Subject 1 continued to yell at Civilian 1 pleading with her to not sign a complaint against Subject 2. Subject 1 then attempted to open the door where Civilian 1 was seated inside a squad car. As Officers A and B were driving away in their squad car Sergeant A radioed for assistance asking Officer A and Officer B to comeback. At this point, both officers observed Subject 1 holding onto the rear car door of Sergeant A’s vehicle. Subject 1 appeared loud and agitated to Officer A. Officer B responded and instructed Subject 1 to release the door handle. Subject 1 failed to comply. Officer A couldn’t remember exactly what physical contact occurred between Officer B and Subject 1; however, he did specifically remember Officer B pulling Subject 1’s fingers away from the door handle. Once Subject 1 was clear of the door, Sergeant A drove away. Officer A did not recall any physical contact he had with Subject 1. Officer A had no recollection of Subject 1 falling to the ground.<sup>7</sup>

In an **interview with COPA on December 12, 2017, Officer B** corroborated Officer A’s account regarding the events that led up to their encounter with Subject 1 and Subject 2 and the events that occurred outside of Civilian 1’s residence. Officer B stated that he and Officer A were driving away when Sergeant A called for them. Officer B observed Subject 1 pulling on the door handle, attempting to open the door where Civilian 1 was seated inside Sergeant A’s squad car. Officer B exited a different squad car, approached Subject 1 and instructed her to step away from Sergeant A’s squad car. Subject 1 failed to comply. Nervous that Subject 1 may injure herself by holding on to the squad car that was leaving the scene, Officer B put his arm between Subject 1’s body and the door and tried to “move” her away from the squad car. At that point, Officer B then held Subject 1 by either her hand or wrist and pulled Subject 1’s fingers away from the door handle. Subject 1 became “dramatic,” yelled, cried, and threw herself to the ground. Subject 1 got up within seconds and both officers left the scene. Meanwhile, Officer A exited the squad car and started walking over to assist Officer B, but before Officer A could provide any assistance, Subject 1 released the door handle. Officer B stated that he never grabbed Subject 1 by her waist or chest, nor did he observe any physical contact between Officer A and Subject 1.<sup>8</sup>

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<sup>6</sup> Att. #35

<sup>7</sup> Att. #58

<sup>8</sup> Att. #50

In an interview with COPA on December 14, 2017, Sergeant A stated that when he arrived at Civilian 1's residence he observed Subject 2 in custody, seated in the rear of Officers A and B's squad car. Officers A and B were talking to Civilian 1 and Subject 1. Civilian 1 entered Sergeant A's vehicle to be transported to the station to sign a complaint against Subject 2. Subject 1 became agitated because Civilian 1 was going to sign a complaint against Subject 2. Sergeant A put the car in drive, looked in his rearview mirror, heard a noise, and observed that Subject 1 was grasping one of the rear door handles. Sergeant A stopped the vehicle and radioed for Officers A and B to assist. Sergeant A observed one of the officers, he couldn't recall which, pull Subject 1's hand away from the door handle. Sergeant A began to drive away and noticed that Subject 1 was still reaching for the door handle. Subject 1 lost her balance and fell to her knees. Sergeant A did not observe Officer A or Officer B grab Subject 1 around the waist or chest area or let go of Subject 1, causing her to fall forward to the ground.<sup>9</sup>

**b. Documentary Evidence**

The **Original Incident Case Report, Arrest Report, and Case Supplementary Report for RD#XXXXXXX** documented that Civilian 1 requested police assistance because Subject 1 was in the company of Subject 2 and she feared that Subject 2 would harm Subject 1. Officers A and B located Subject 1 and Subject 2 at XXXX N. Orleans. Subject 2 was transported to Civilian 1's residence where Civilian 1 positively identified him as the offender. Subject 2 was arrested and transported to the XXX<sup>th</sup> District Station for processing on charges of stalking.

**VI. ANALYSIS**

**Officer A**

COPA recommends a finding of Unfounded for both Allegations against Officer A, in that, he grabbed Subject 1 around chest/waist area and then let go of her causing her to fall to the ground. A finding of Unfounded is proper when an allegation is false or not factual.<sup>10</sup> In the case at hand, COPA finds that it is more likely true than not that both allegations against Officer A did not occur.

First, Sergeant A described the force used against Subject 1 as coming from a single officer and not two. Second, both Officer A and Officer B clearly identified the single officer who made physical contact with Subject 1 as Officer B. Neither officer recalled any physical contact between Subject 1 and Officer A, and both officers further indicated that Officer B was the one who physically removed Subject 1 away from the squad car. Third, Civilian 1 initially stated during her interview that she did not see how Subject 1 went to the ground. Furthermore, at times during her interview, Civilian 1 could not recall the exact physical contact between Subject 1 and the officers. But at other times, Civilian 1 claimed that two officers removed Subject 1 away from the vehicle. Fourth, Subject 1 herself initially indicated that a single officer grabbed her. But at other times during her interview, Subject 1 also described the incident as two officers pulling her away from the squad car. Finally, Subject 2's statement, taken months after the incident, described Subject 1's interaction with the officers significantly different. According to Subject 2, Subject 1 was in front of the squad car when she was restrained by officers who "bear hugged" Subject 1

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<sup>9</sup> Att. #51

<sup>10</sup> See Chicago Police Department Special Order S08-01-01, Conduct of Complaint Investigations.

and lifted her off the ground. Subject 2's account of the incident was contrary to the accounts of all other interviewed witnesses; therefore, COPA determined Subject 2's version of events to lack any credibility and it was not relied upon in this analysis.

In summary, with Subject 1 and Civilian 1 at times during their interviews seemingly unsure in their recollection of the event, and with officers A and B clearly indicating that only Officer B made physical contact with Subject 1, COPA finds it is more likely than not that only a single officer, Officer B, was involved in physically removing Subject 1 away from the squad car. Accordingly, COPA recommends a finding of Unfounded for allegations 1 and 2 against officer A.

### **Officer B**

COPA recommends a finding of Exonerated for both Allegations against Officer B, in that, he grabbed Subject 1 around chest/waist area and then let go of her causing her to fall to the ground. COPA finds that Officer B's physical interaction with Subject 1 to be more likely than not proper, and in accordance with the applicable Chicago Police Department policy.

General Order G03-02-01, *Force Options*, regulates when an officer may use physical force in circumstances in which an officer is met with resistance or threats. The policy permits an officer to apply physical force against an individual who is uncooperative. Per the policy, an uncooperative individual would be classified as a resister, and then depending on the nature of their resistance, is further classified as either a passive or active resister. With regard to Subject 1's conduct on February 28, 2016, COPA found Subject 1's actions to be those of a passive resister.<sup>11</sup>

During her interview, Subject 1 admitted she became upset and angry during the incident. Moreover, Subject 1 told investigators that she held on to the squad car's door handle and demanded to know where officers were taking Civilian 1. Subject 1 also demanded to speak with Civilian 1 and failed to heed Sergeant A's warnings to release the door handle. Consequently, COPA finds that Subject 1's actions impeded the officers in their handling of a domestic dispute among Subject 2, Civilian 1 and Subject 1. It is clear from Subject 1's own words during her interview that she resisted the officers' actions by not releasing the door handle when asked to, and generally resisted the officers' attempts to transport Civilian 1 to the police station to complete a sworn complaint.

Confronted with passive resistance from Subject 1, Officer B was entitled to use physical force against Subject 1, including holding techniques, such as a firm grip, grabbing an arm, wristlocks, and come-along holds. While there is some disagreement among the interviewed parties as to what physical actions were taken by officer B against Subject 1, both officers, Sergeant A, Civilian 1 and Subject 1 all agreed that an officer pulled Subject 1's arm/fingers from the door handle. Additionally, Subject 1 stated that an officer(s) grabbed her around the waist/chest area. This claim by Subject 1 is also consistent with parts of Officer B's statement; Officer B indicated that he initially put his arm between Subject 1 and the vehicle's door as he attempted to move her

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<sup>11</sup> General Order G03-02-01 defines a Passive Resister as "a person who fails to comply (non-movement) with verbal or other direction."

away from the vehicle. Such an action could have easily been perceived by Subject 1 as officer reaching around her waist/chest area and grabbing her.

Finally, Subject 1 alleged that an officer let go of her and caused her to fall to the ground. Once an officer has achieved compliance from a passive resister, such as when Subject 1 finally released the squad car’s door handle and let the vehicle drive away, an officers is obligated to reduce their level of force. In other words, once Subject 1 had been moved away from the vehicle, Officer B was arguably required to adjust his level of force applied against Subject 1, which took the form of him letting go of Subject 1’s arm. COPA does not doubt that Subject 1 fell to the ground; however, Subject 1’s fall seems more likely incidental to Officer B’s reduction in force and not something intentional by Officer B, and possibly even contributed to by Subject 1’s own actions.

**VII. CONCLUSION**

Based on the analysis set forth above, COPA makes the following findings:

<b>Allegation</b>	<b>Finding</b>
<b>Officer A</b>	
1. Grabbed Subject 1 around the waist/chest area.	Unfounded
2. Let go of Subject 1 causing her to fall forward to the ground.	Unfounded
<b>Officer B</b>	
1. Grabbed Subject 1 around the waist/chest area.	Exonerated
2. Let go of Subject 1 causing her to fall forward to the ground.	Exonerated

Approved:

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 COPA Deputy Chief Administrator  
 Deputy Chief Investigator

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 Date

Appendix A

Assigned Investigative Staff

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<b>Squad#:</b>	X
<b>Investigator:</b>	COPA Investigator
<b>Supervising Investigator:</b>	COPA Supervising Investigator
<b>Deputy Chief Administrator:</b>	COPA Deputy Chief Administrator