

SUMMARY REPORT OF INVESTIGATION

Date/Time/Location of Incident:	August 28, 2019 / 8:00 am / 1438 W. 63 rd Street, Chicago, IL 60636 (007 District Station)
Date/Time of COPA Notification:	August 28, 2019 / 8:21 am
Involved Sergeant #1:	Sergeant Charles Artz / Star #1907 / Employee ID# [REDACTED] / Unit: 007 / DOA: May 6, 1996 / Male / White
Involved Individual #1:	[REDACTED] Male / Black
Case Type:	05A – Excessive Force

I. ALLEGATIONS

Officer	Allegation	Finding / Recommendations
Sergeant Charles Artz	1. “Shoving” Mr. [REDACTED] without justification, in violation of Rule 6.	Not Sustained
	2. Grabbing Mr. [REDACTED] without justification, in violation of Rule 8.	Sustained / 5 Days

II. SUMMARY OF EVIDENCE¹

Mr. [REDACTED] entered the 007th District Station to file a complaint of alleged misconduct. Upon his arrival, [REDACTED] spoke with Sergeant Charles Artz and initially informed Sgt. Artz that he wanted to file a complaint about traffic citations he was issued. Sgt. Artz explained to [REDACTED] that complaints related to the issuance of traffic citations should be raised during a traffic court hearing. [REDACTED] became upset and insisted Sgt. Artz register his complaint. As [REDACTED] continued to insist that Sgt. Artz register his complaint, [REDACTED] alleged that he was harassed and specifically stopped and detained without justification. Sgt. Artz registered [REDACTED] complaint and provided this log number. After registering [REDACTED] complaint Sgt. Artz asked [REDACTED] to leave the station. [REDACTED] remained in the station yelling and causing a disturbance. Sgt. Artz exited from behind the front desk and approached [REDACTED]

Once Sgt. Artz approached [REDACTED] the nature of events is unclear; there is no surveillance video footage of the incident.² [REDACTED] recounted that Sgt. Arts grabbed him by the front of his

¹COPA conducted a full and complete investigation of this matter, including the interview of all pertinent civilian and officer witnesses, and the collection and review of digital, documentary, and forensic evidence. As part of COPA’s ongoing efforts to increase case closure capacity, certain cases are summarized more succinctly in a Modified Summary Report of Investigation.

² The 007th District lobby was not equipped with surveillance cameras. See CMS Notes and Atts. 31, 33.

neck with one hand and shoved him out the door for no reason. Sgt. Artz recounted that he used his arms to usher ██████ towards the door by placing his arm on ██████ elbow to guide ██████ towards the door, because ██████ would stop walking towards the door, and denied shoving or grabbing ██████ by the neck.³

Once outside ██████ contacted the Chicago Fire Department (CFD) and requested assistance for neck pain.⁴ CFD medical records detail that ██████ presented with no signs of trauma nor difficulties breathing but alleged he was “grabbed by the neck” by a Department sergeant, and that he was transported to Holy Cross Hospital.⁵ Holy Cross Hospital records detail ██████ displayed redness to his neck, declined a neck CT, and was treated for a soft tissue neck injury of unknown origin, and released for self-home care.⁶

During his statement, ██████ provided a cellular telephone video. The footage only depicts ██████ insistence he needs a “police report,” and Sgt. Artz⁷ informing ██████ that complaints about traffic enforcement are not grounds for a complaint to be registered. ██████ then requests to file a complaint about harassment, Sgt. Artz requests more details about the harassment and then the recording ends.⁸ Sgt. Artz registered ██████ complaint, which is investigated under a separate

III. LEGAL STANDARD

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 the conduct occurred and violated Department policy. *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 has found to be more probably true than not). If the evidence gathered in

³ Att. 25.

⁴ Att. 13, pg. 4.

⁵ Att. 13, pg. 4

⁶ Att. 1, pgs. 6, 11, 13 and 14.

⁷ Sgt. Artz is the lone Department member seen at the desk.

⁸ *See* Att. 9.

an investigation establishes that it is more likely that the misconduct occurred, 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. See *e.g.*, *People v. Coan*, 2016 IL App (2d) 151036 (2016). 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." *Id.* at ¶ 28.

IV. ANALYSIS AND CONCLUSION

COPA finds that Allegation #1 against Sgt. Artz is **not sustained**. COPA was unable to locate sufficient evidence to determine whether Sgt. Artz shoved ██████ while escorting him out of the station. Therefore, the allegation must be **not sustained**.

COPA finds that Allegation #2 against Sgt. Artz is **sustained**. Department members are prohibited from treating others with disrespect or maltreatment.⁹ Here, it is undisputed that ██████ was a passive resister when he refused to leave the station after Sgt. Artz registered his complaint.¹⁰ While Department policy permits members to use force to overcome passive resistance, that force is limited to holding techniques¹¹ and compliance techniques,¹² both of which do not permit members to apply force to the neck. While Sgt. Artz and ██████ make opposing assertions related to the grabbing of ██████ COPA finds ██████ version of events more credible, because both CFD and Holy Cross medical records contemporaneously detail ██████ assertion he was grabbed at the neck by Sgt. Artz and the Holy Cross medical records detail redness to ██████ neck and his diagnosis of a soft tissue injury. Therefore, COPA finds that even if Sgt. Artz' actions were permissible in response to a passive resister, grabbing ██████ by the neck is an unnecessary application of force to achieve the goal of escorting ██████ from the station and more likely than not constituted disrespect or maltreatment of ██████ Thus, the allegation is **sustained** for violation of Rule 8.

V. RECOMMENDED DISCIPLINE FOR SUSTAINED ALLEGATIONS

a. Sergeant Charles Artz

i. Complimentary and Disciplinary History

Sgt. Artz has received 179 total awards, including: 2004 Crime Reduction Ribbon – 1; 2009 Crime Reduction Award – 1; 2019 Crime Reduction Award – 1; Arnold Mireles Special Partner – 1; Attendance Recognition Award – 4; Complimentary Letter – 9; Democratic National

⁹ Section V, Rule 8 of the Rules and Regulations of the Chicago Police Department.

¹⁰ G03-02-01 IV (B)(1).

¹¹ "Holding techniques include a firm grip, grabbing an arm, wristlocks, and come-along holds (i.e., escort holds that are not elevated to compliance techniques)..." G03-02-01 IV(B)(1)(a).

¹² "Compliance techniques are designed to amplify nonimpact pressure and increase the potential for controlling a subject," and are described as "joint manipulation and pressure point techniques to pressure sensitive areas of the body is to elicit and maintain established control through non-impact *pressure* compliance." G03-02-01 IV(B)(1)(b)(1).

Convention Award – 1; Department Commendation – 11; Deployment Operations Center Award – 5; Honorable Mention – 121; Honorable Mention Ribbon Award – 2; Life Saving Award – 3; NATO Summit Service Award – 1; Police Officer of the Month Award – 2; Presidential Election Deployment Award 2008 – 1; Problem Solving Award – 7; Recognition / Outside Governmental Agency Award – 2; Special Commendation – 3; Superintendent Award of Merit – 1; Unit Meritorious Performance Award – 2. He has no prior disciplinary history.

ii. Recommended Penalty

COPA has determined Sgt. Artz grabbed [REDACTED] by his neck without justification. Despite Sgt. Artz’ extensive complimentary history, this conduct towards a member of the public merits consequences. Sergeants of the Chicago Police Department are expected to uphold the high standards of the Department and model appropriate behavior for officers. Accordingly, COPA recommends a suspension of five (5) days.

Approved:

[REDACTED]

Angela Hearts-Glass
Deputy Chief Investigator

3-23-2021

Date

Appendix A

Assigned Investigative Staff

Squad#:	8
Investigator:	Garrett Schaaf
Supervising Investigator:	Sherry Daun
Deputy Chief Administrator:	Angela Hearts-Glass