

SUMMARY REPORT OF INVESTIGATION EXECUTIVE SUMMARY

Date of Incident:	July 3, 2021
Time of Incident:	11:11 p.m.
Location of Incident:	4353 West 55 th Street, Chicago, Illinois 60629
Date of COPA Notification:	July 4, 2021
Time of COPA Notification:	3:42 p.m.

The alleged incident occurred on July 3, 2021, at approximately 11:11 p.m., in the vicinity of 4353 West 55th Street, Chicago, Illinois 60629, when the Complainant, [REDACTED] alleges that he was pushed to the ground by Chicago Police Department (CPD) Officer Samuel L. Jones, Jr., Star #3610. The incident allegedly occurred at a 7-Eleven store and was captured on the store’s surveillance camera. [REDACTED] was subsequently arrested and transported to the 8th District. As the incident occurred when Officer Jones was on lunchbreak. There was no coverage from his body-worn camera (BWC). COPA was notified of the incident by the CPD.

I. INVOLVED PARTIES

Involved Officer #1:	Samuel L. Jones, Jr., Star #3610, Employee ID# [REDACTED] Date of Appointment: May 31, 1994; Rank: Police Officer, Unit of Assignment: 051, DOB: [REDACTED], 1967, Gender: Male, Race: Black
Involved Individual #1	[REDACTED] DOB: [REDACTED], 1993, Gender: Male, Race: Hispanic

II. ALLEGATIONS

Officer	Allegation	Finding / Recommendation
Officer Samuel L. Jones, Jr.	It is alleged by [REDACTED] that on or about July 3, 2021, at approximately 11:11 p.m., in the vicinity of 4353 West 55 th Street, Chicago, Illinois 60629 Officer Samuel L. Jones, Jr., Star #3610: 1. Pushed him to the ground without justification.	Exonerated

III. APPLICABLE RULES AND LAWS

Rules

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1. Rule 1: Violation of any law or ordinance.
 2. Rule 2: Any action which impedes the Department's efforts to achieve its policy and goals or brings discredit upon the Department.
 3. Rule 3: Any failure to promote the Department's efforts to implement its policy or accomplish its goals.
 4. Rule 9: Engaging in any unjustified verbal or physical altercation with any person, while on or off duty.
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General Orders

1. General Order G03-02¹
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Federal Laws

1. 4th Amendment to U.S. Constitution
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State Laws

1. Illinois Constitution 1970, Art. I, § 6
 2. 720 ILCS 5.0/12-1-A²
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¹ Section III (B): Department members may only use force that is objectively reasonable, necessary, and proportional, under the totality of the circumstances, in order to ensure the safety of a member or third person, stop an attack, make an arrest, control a subject, or prevent escape.

² Simple Assault

IV. INVESTIGATION

a. Interviews

██████████ provided an interview to the CPD, occurring at District 8 on July 3, 2021.³ The interview was video-recorded after *Miranda* warnings were provided by the interviewing officers, and consent to record the interview acknowledged by ██████████ stated that relative to his arrest on July 3, 2021, by the CPD at a 7-Eleven store for aggravated assault of a police officer; the officer was off-duty in uniform, and walking into the 7-Eleven store. He had his dog on a leash and to the side, while standing in front of the 7-Eleven. The dog was barking and the officer made some comment about the dog barking and told him to put the dog down. The dog did not jump on the officer and described his dog as a trained house dog. The officer got in his face, pushed him and he landed on the ground. When the officer pushed him, he got mad and went back into the store. He said something stupid but could not remember what he said. ██████████ acknowledged being drunk, after consuming several cans of Monaco's from 1:00pm-10:00pm that day. He said that the officer pushed him twice; once outside the store, and the second time inside the store. The officer then went back outside. He said that he did not follow the officer to his car. He did not remember verbally threatening the officer or the officer's family. ██████████ related that somebody ran out of the store and the officer followed that person. He didn't remember following the officer out of the store.

Accused Officer Jones Jr. provided a statement to COPA on March 25, 2022.⁴

Officer Jones Jr. stated that relative to the incident involving himself and ██████████, he was on lunch break at the time. Being assigned to Midway Airport, he was not required to wear a BWC. He left the airport in his personal vehicle, in full uniform, and went to the 7-11 store. As he pulled into the parking lot of the 7-11, he observed ██████████ standing on the sidewalk with a large pit-bull, leashed, grey in color that appeared to be around 80-90 lbs. ██████████ was alone, looked erratic and the dog seemed to be excited. Officer Jones parked and exited his vehicle. He walked toward the sidewalk where ██████████ was standing, and ██████████ said something to the dog. The dog then jumped on Officer Jones with both paws. He immediately stepped back and told ██████████ to get his dog, and that he was going to shoot his dog. ██████████ became irate and continued to verbally threaten him and his family. As the argument continued, Officer Jones called 911. While he was on hold with 911, he observed two clerks from the store chasing a male Hispanic, who they indicated to him had just robbed the store. He chased the male Hispanic with a large backpack. When Officer Jones grabbed the backpack, the male Hispanic squirmed out of it and ran away. He did not continue to chase the

³ Attachment #4; Detective Doyle and Detective Thomas conducted the interview, along with a third officer.

⁴ Attachment #21

male Hispanic. Officer Jones returned the backpack, which contained suspected stolen liquor, to the store clerks.

He then went back into the store to continue his purchase and [REDACTED] followed him into the store and continued to verbally harass him. He told him to go away but [REDACTED] continued to follow him and verbally harass him. [REDACTED] said he was affiliated with a gang and made threats against him. He kept following him and eventually “got in his face” and said words to the effect that he was going to kick his ass and kill him.⁵ Officer Jones then pushed him to get some separation and [REDACTED] fell backwards and hit his head on the floor. He appeared unconscious or dazed for about 30 seconds to a minute. Officer Jones then told a clerk to call CFD and the police.

[REDACTED] then sat up and continued to talk erratically and continued to make threats. Officer Jones told him to stay where he was but he got up and walked toward Officer Jones, who put his hand up to keep him away. Meanwhile, he was waiting for police officers to arrive on the scene. People started to gather, so he exited the store, went back to his truck and called the police again. He then drove out of the parking lot and waited about a block away until the ambulance arrived on the scene. He pointed out [REDACTED] to the paramedics, told them what had happened, and they rendered aid to him. Shortly thereafter, responding officers arrived on the scene and he spoke with them, and they subsequently arrested [REDACTED]

He stated that during the incident [REDACTED] appeared highly intoxicated or under the influence of a controlled substance, or both. He did not appear to be injured as a result of the incident, nor did he request medical treatment.

b. Digital Evidence:

Video Footage From the Surveillance Camera at the 7-Eleven Store Located at 4353 West 55th Street, Chicago, Illinois 60629 on July 3, 2021:⁶ This footage shows that [REDACTED] is continually pursuing Officer Jones inside of the 7-11 store, and invading his personal space. Finally, Officer Jones, using two hands, pushes [REDACTED] away from him. [REDACTED] falls backwards but eventually gets up and continues to pursue officer Jones.

CPD Video-Recorded Interview of [REDACTED] at District 008 on July 3, 2021:⁷ This interview was conducted by the CPD at District 8 and is summarized in the interview section of this report.

BWC Footage of Officer Ivan Sanchez, Star #18230, 23:25:54 to 23:31:29:⁸ [REDACTED] is arrested without incident and placed into a CPD squad car.

⁵ Attachment #21 at 11:44.

⁶ Attachment #22; (See Zip File – 20210704_0009_0419_150.m4v).

⁷ Attachment #4

⁸ Attachment #16

BWC Footage of Officer Gregorz Dzierzkowski, Star #12386, 23:26:57 to 23:44:31:⁹ [REDACTED] is arrested without incident and placed into a CPD squad car.

BWC Footage of Officer Ivan Sanchez, Star #18230, Transport of [REDACTED] to the 8th District:¹⁰ During transport [REDACTED] is talking loudly and incoherently. Officer Sanchez warns him that everything he says is being recorded. [REDACTED] says that he is pissed-off; that he hit his head on the ground. He says that everything is on camera. Officer Sanchez tells him that he was arrested for aggravated assault and battery of a police officer. [REDACTED] claims that he did not put his hands on the officer; that the officer put his hands on him. He says that he is mad. [REDACTED] uses racial epithets to describe Officer Jones and made threats to harm Officer Jones's son and daughter.¹¹ They arrive at the 8th District without incident. [REDACTED] is removed from the squad car and escorted into the 8th District by Officers Sanchez and [REDACTED] says that he has been drinking alcohol. He is placed in a holding cell and patted down and the incident ends without further issues.

c. **Physical Evidence:** None

d. **Documentary Evidence:**

CPD Criminal History Report for [REDACTED] CPD IR# 2137798:¹² This report reflects that [REDACTED] was arrested on July 3, 2021, for Simple Assault (720 ILCS5.0/12-1A) and was subsequently transported to the 8th District. He was subsequently found guilty in Case # M 21118630801 on September 24, 2021, and was sentenced to one year of supervision.

CPD Tactical Response Report No. 2021-01781:¹³ This report reflects that on July 3, 2021, at approximately 11:10 p.m., Officer Samuel L. Jones, Jr., while on lunchbreak, pulled up to a 7-Eleven store located at 4353 West 55th Street, Chicago, Illinois, 60529. At that time, the Complainant, [REDACTED] lunged at him while he was exiting his vehicle. [REDACTED] was holding a dog on a leash at the time. The dog jumped on Officer Jones, making contact with his chest and leg areas. Officer Jones moved away from [REDACTED] and his dog and warned him to keep his dog under control. [REDACTED] appeared intoxicated and began using profanity against Officer Jones, and threatened to kill him. He kept urging his dog to move towards Officer Jones. Officer Jones then moved away and entered the 7-Eleven. [REDACTED] tied

⁹ Attachment #18

¹⁰ Attachment #20

¹¹ Attachment #20 beginning at 7:09

¹² Attachment #2

¹³ Attachment #6

up his dog and then followed Officer Jones into the store and continued threatening to shoot Officer Jones. He was exhibiting gang signs at the time. Several times Officer Jones attempted to avoid [REDACTED] by walking away but [REDACTED] persisted in following him in a menacing manner and continued threatening him. Officer Jones, fearing a battery, pushed [REDACTED] away with an open hand to avoid being struck. As a result, [REDACTED] fell backwards and hit his head on the floor of the store.

CPD Arrest Report for [REDACTED] CB# 30065940, July 3, 2021:¹⁴

This report lists Officer Dzierzkowski,, as the First Arresting Officer and Officer Sanchez,, as the Second Arresting Officer. The officers responded to a 7-Eleven store located at 4353 West 55th Street, Chicago, Illinois, where they encountered Officer Jones, Jr., who identified [REDACTED] as the person who had threatened him, verbally, and by having his dog make contact with him. Officer Jones advised the officers that he had to make physical contact with [REDACTED] by pushing him away from him. As a result, [REDACTED] fell to the floor. Subsequently, [REDACTED] was arrested for Simple Assault and transported to the 8th District. A Chicago Fire Department (CFD) ambulance was called to the scene but [REDACTED] refused medical treatment. While being transported to the 8th District, [REDACTED] admitted to being intoxicated at the time of the incident.

CPD Original Case Incident Report, RD# JE289149:¹⁵ This report lists Officer Jones, Jr., as the victim of an assault and battery. The suspect is listed as [REDACTED]. This report contains essentially the same information as CPD CB# 30065940 (above); however, this report also reflects that [REDACTED] once inside of the processing room at the 8th District, complained of a bump on his head and was subsequently transported to Holy Cross Hospital for treatment by a CFD ambulance. The First Reporting Officer is listed as Marco T. Coti, Star #19690, and the Second Reporting Officer is listed as Jean M. Lindgren, Star #14791.

V. ANALYSIS

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

¹⁴ Attachment #11

¹⁵ Attachment #9

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 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.

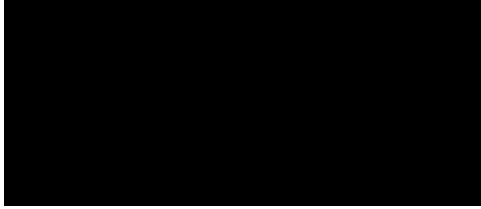
Investigation in this matter has determined that Officer Jones, Jr., pushed ██████████ ██████████ to the ground during an altercation which occurred on or about July 3, 2021, at approximately 11:11 p.m., in the vicinity of 4353 West 55th Street, Chicago, Illinois 60629, a 7-Eleven store. At that time, ██████████ had confronted Officer Jones and Officer Jones pushed ██████████ ██████████ away from him resulting in ██████████ landing on the ground. Officer Jones submitted a TRR relative to the incident and CPD notified COPA. As a result, an investigation was conducted by COPA. The results are as follows:

Officer . Jones, Jr., Was Justified in Pushing ██████████ Away from Him and to the Ground: COPA finds that ██████████ was inebriated during the incident in which Officer Jones pushed him to the ground. ██████████ admitted as much in his statement to the interviewing detectives at the 8th District,¹⁶ as well as to the officers who transported him to the police station. It is also clear that ██████████ had initiated the incident and had pursued Officer Jones into the 7-Eleven store.¹⁷ Further, according to CPD General Order G03-02, Section III (B), Department members may only use force that is objectively reasonable, necessary, and proportional, under the totality of the circumstances, in order to ensure the safety of a member or third person, stop an attack, make an arrest, control a subject, or prevent escape. Officer Jones used reasonable force in this incident. He was simply stopping an attack on his person when ██████████ had assaulted him using verbal threats and enclosing the space between them. Officer Jones pushed ██████████ away from his person and ██████████ fell to the ground, most probably exacerbated by his inebriated condition. Further, Officer Jones promptly submitted a TRR explaining the incident. He also had called 911 and requested an ambulance for ██████████ during the incident. As a result, **Allegation #1** alleged against **Officer Samuel L. Jones, Jr., Star #3610**, should be **Exonerated**.

¹⁶ Attachment #4

¹⁷ See Attachment #22.

Approved:



Mathew Haynam
Deputy Chief Administrator

5/22/2023

Date