



Log # 2021-2225

FINAL SUMMARY REPORT¹

I. EXECUTIVE SUMMARY

On June 8, 2021, the Civilian Office of Police Accountability (COPA) received an Initiation Report from Sergeant (Sgt.) Eric White, #1856, alleging misconduct by a Chicago Police Department (CPD) member. Sgt. White alleged that on June 8, 2021, an unidentified officer choked ██████████ during the course of his arrest.² Upon review of the evidence, COPA served allegations that Officer Humberto Cruz utilized a flashlight to open ██████████ mouth without justification. COPA also served allegations that Officer Skalski was rude & unprofessional, engaged in an unjustified verbal altercation and failed to utilize de-escalation tactics. Following its investigation, COPA reached sustained findings regarding the allegations of being rude and professional, unjustified verbal altercation and failure to utilize de-escalation tactics, against Officer Skalski.

II. SUMMARY OF EVIDENCE³

On June 8, 2021, at approximately 12:22 pm, Officer Skalski conducted a multipoint narcotics surveillance using POD Cameras 7550W and 3054W and observed ██████████ speak with several unknown individuals. Officer Skalski reported that the unidentified individuals would tender green paper (USC) to ██████████ and from his person, ██████████ would retrieve a small item and conduct a hand-to-hand transaction with the individuals multiple times. Officer Skalski provided the information and a physical description of ██████████ to the enforcement officers.

When the enforcement officers arrived in the vicinity of 744 S. Albany Avenue, they observed ██████████ standing in the breezeway. The enforcement officers detained ██████████ and escorted him outside to conduct further investigation, at which time ██████████ attempted to flee. Officer Villanueva attempted to gain control and lost his balance. Officer Villanueva and ██████████ fell to the ground. Several enforcement officers assisted with gaining control of ██████████ and Officer Villanueva observed several plastic bags of narcotics in ██████████ mouth.

Officer Cruz directed ██████████ to spit out the plastic bags several times, but ██████████ initially refused to comply. Officer Villanueva held ██████████ chin and applied pressure to the side of ██████████

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 Attachment #1 – Initiation Report. Sgt. White was unable to obtain additional information from the unidentified 3rd party complainant. According to Sgt. White, ██████████ never made any complaint about the officers' actions. Furthermore, the available evidence did not depict CPD members choking ██████████

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, officers' statements to COPA.

mouth while Officer Cruz utilized his small flashlight in attempt to open [REDACTED] mouth⁴. At some point [REDACTED] ingested some of the plastic bags and spat out the remainders. [REDACTED] was later transported to Mt. Sinai Hospital regarding the ingestion of narcotics and eventually released to CPD's custody.

During [REDACTED] arrest, a crowd gathered and appeared to yell obscenities at the involved officers and accused the involved officers of choking [REDACTED]. At some point, Officer Skalski engaged the crowd of civilians and stated words to the effect of, "Well you know what, you all kill each other more than us."⁵ Several Department members are heard telling Officer Skalski to walk away and stop engaging with the civilians⁶. Several moments later all responding officers left the location without further incidents.

III. ALLEGATIONS

Officer Matthew Skalski:

1. Being rude and unprofessional in that he stated words to the effect of, "Well you know what, you all kill each other more than us."
 - Sustained, Violation of Rules 2, 3 and 6.
2. Failing to utilize de-escalation tactics when verbally interacting with citizens who appeared to be upset.
 - Sustained, Violation of Rules 2, 3 and 6.
3. Engaging in a verbal altercation without justification.
 - Sustained, Violation of Rules 2, 3, 6, 8 and 9.

Officer Humberto Cruz:

1. Utilizing a flashlight to open [REDACTED] mouth without justification.
 - Exonerated.

IV. CREDIBILITY ASSESSMENT

This investigation did not reveal any evidence that caused COPA to question the credibility of any of the individuals (sworn or unsworn) who provided statements.

V. ANALYSIS⁷

COPA finds that Allegations #1, 2 and 3 against Officer Skalski, that he was rude and unprofessional in that he stated words to the effect of, "Well you know what, you kill each other more than us, failed to utilize de-escalation tactics when verbally interacting with citizens who appeared to be upset, and engaged in a verbal altercation without justification, are **sustained**. CPD policy, G02-03, requires that all Department personnel will positively engage members of the community throughout their tour of duty to reduce violent and overall crime⁸. In addition to

⁴ Attachment #15, BWC of Officer Cruz

⁵ Att. 19 BWC of Officer Skalski at approximately 3:28 of video.

⁶ Att. 19 BWC of Officer Skalski at approximately 7:55 of video.

⁷ For a definition of COPA's findings and standards of proof, see Appendix B.

⁸ See G02-03 (V)(A)(1), Community Policing Mission and Vision (effective December 31, 2020, to June 30, 2021)

respect for those human rights prescribed by law, Department members will treat all persons with the courtesy and dignity which is inherently due every person as a human being. Department members will act, speak and conduct themselves in a professional manner, recognizing their obligation to safeguard life and property, and maintain a courteous, professional attitude in all contacts with the public⁹.

In this case, COPA finds that Officer Skalski violated Department policy when he engaged in a verbal altercation with the unidentified citizens at the location of the incident. Officer Skalski also failed to utilize de-escalation tactics when he continued to engage in a verbal altercation with the unidentified citizens in the community. It wasn't until several Department members directed Officer Skalski to stop interacting with the unidentified civilians that his actions ceased. For these reasons, COPA finds that the preponderance of the evidence shows that Officer Skalski's actions violated CPD policy and Rules 2, 3, 6, 8 and 9.

COPA finds that Allegation #1 against Officer Cruz, that he utilized a flashlight to open ██████'s mouth without justification, is **exonerated**. Under CPD policy, G03-02, the Department's highest priority is the sanctity of human life. In all aspects of their conduct, Department members will act with the foremost regard for the preservation of human life and the safety of all persons involved¹⁰. The Chicago Police Department recognizes that Department members are often forced to make split-second decisions – in circumstances that are tense, uncertain, and rapidly evolving – about the amount of force that is necessary in a particular situation¹¹.

In his statement to COPA Officer Cruz stated that during the struggle with ██████ he became aware that ██████ placed several small baggies of suspect narcotics inside his mouth. Officer Cruz, along with other officers, directed ██████ to spit out the baggies. Officer Cruz related that an officer was holding ██████'s chin and applying pressure to the side of ██████'s face and ██████ refused to spit out the baggies. Officer Cruz stated that in his years of experience, he witnessed various people overdose and die because of narcotic overdose. Officer Cruz contended that he pressed his flashlight against ██████'s lips in efforts to have ██████ open his mouth and assist in preserving ██████'s life. Officer Cruz's actions were not malice nor excessive. For these reasons, COPA finds the allegation 1 **Not Sustained**.

DISCIPLINARY RECOMMENDATION

a. Officer Matthew Skalski¹²

i. Complimentary and Disciplinary History

⁹ See G02-01 (III)(B), Human Rights and Human Resources (effective October 5, 2017 to June 30, 2022).

¹⁰ See G03-02 (II) (A), Use of Force (effective February 28, 2020 to April 1, 2021).

¹¹ See G03-02 (II) (D), Use of Force (effective February 28, 2020 to April 1, 2021).

¹² Att. 37

Officer Skalski has received 62 various awards and two reprimands in the last five years: two in 2023 for conduct unbecoming and non-compliance with motor vehicle pursuit requirements.

ii. Recommended Discipline

COPA has considered Officer Skalski’s complimentary and disciplinary history. Officer Skalski violated Department policy when he was rude and unprofessional in that he stated words to the effect of, “Well you know what, you all kill each other more than us”, engaged in an unjustified verbal altercation and failed to utilize de-escalation tactics, COPA recommends a 10-day suspension.

Approved:



January 17, 2024

Matthew Haynam
Deputy Chief Administrator – Chief Investigator

Date

Appendix ACase Details

Date/Time/Location of Incident:	June 8, 2021/ 12:22 pm/ 744 S Albany Avenue, Chicago, IL 60612.
Date/Time of COPA Notification:	July 8, 2021/ 4:45 pm.
Involved Officer #1:	Officer Matthew Skalski/ Star #16752/ Employee ID # [REDACTED] DOA: August 31, 2015/ Unit: 011/ Male/ White.
Involved Officer #2:	Officer Humberto Cruz/ Star #15603/ Employee ID # [REDACTED] DOA: December 12, 2016/ Unit: 011/ Male/ Hispanic.
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.
- Rule __:** *[Insert text of any additional rule(s) violated]*

Applicable Policies and Laws

- G02-01: Human Rights & Human Resources (effective October 5, 2017 to June 30, 2022).
- G02-03: Community Policing Mission and Vision (effective December 31, 2020 to June 30, 2021).
- G03-02: Use of Force (effective February 28, 2020 to April 1, 2021).

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.¹³ 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.”¹⁴

¹³ 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).

¹⁴ *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 Information

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