



Log # 2022-0001862

FINAL SUMMARY REPORT

I. EXECUTIVE SUMMARY

On May 7, 2022, the Civilian Office of Police Accountability (COPA) received an Initiation Report from Sgt. Kadus alleging misconduct by a member of the Chicago Police Department (CPD).² Sgt. Kadus alleged that on May 7, 2022, Officer Salazar committed misconduct by pushing [REDACTED] while he was handcuffed, and his legs were shackled with leg irons.³ Following its investigation, COPA reached a sustained finding regarding the allegation that Officer Salazar pushed [REDACTED] while his hands were handcuffed behind his back, and his legs were shackled with leg irons without justification.

II. SUMMARY OF EVIDENCE⁴

On May 7, 2022, Officers Vera-Krypciak, Rivera, Rubio, and Taylor arrived at [REDACTED] regarding a call of battery.⁵ [REDACTED] was not cooperative and resisted arrest.⁶ The officers detained him, and he was arrested on signed complaints for battery.⁷ [REDACTED] was detained, handcuffed, shackled with leg irons, and taken to the 010th District.⁸ Officer Salazar walked him from the transport vehicle to a cell in the lock-up area. Before entering the cell, [REDACTED] pushed back on Officer Salazar and yelled profanities in his face.⁹ Officer Salazar pushed [REDACTED] causing him to fall backward onto the ground while he was handcuffed behind his back and shackled.¹⁰ The officers tried to help him up as he began to yell profusely.¹¹ [REDACTED] suddenly stopped yelling and began to talk about his arrest.¹² The officers called for an ambulance and requested an evidence

² Att. 7, the initiation report.

³ 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.

⁴ The following is a summary of what COPA finds most likely occurred during this incident. This summary utilized information from several different sources, including Body Worn Camera (BWC) footage, POD video, police reports, and officer interviews.

⁵ Atts. 1, the arrest report, 11, the event query, 2, the BWC of Officer Rubio, 38, the BWC of Officer Taylor, 43, the BWC of Officer Rivera and 44, the BWC of Officer Vera- Krypciak.

⁶ Atts. 5, the case report, 20, Tactical Response Report (TRR) of Officer Taylor, and 21, the TRR of Officer Rubio.

⁷ Atts. 1 and 5.

⁸ Atts. 3, the BWC of Officer Salazar at 9:40 and 2, at 7:55.

⁹ Atts. 3 at 10:10-10:22, 2 at 8:30, 4, the BWC of Officer Brown at 2:34, and 55, the D10 processing camera 1, at 8:45:44.

¹⁰ Atts. 3 at 10:22, 2 at 8:36, 4 at 2:39, 9, the TRR of Officer Salazar.

¹¹ Atts. 3 at 10:25, 2 at 8:45, 4 at 2:47, 62, the interview transcripts of Officer Salazar, Pg. 16, Lns. 13-16 and Lns. 7-12.

¹² Atts. 3 at 11:00, 2 at 9:22, 4 at 3:04, and 62, Pg. 17, Lns. 7-9.

technician.¹³ Once the ambulance arrived, ██████ refused treatment.¹⁴ In Officer Salazar's statement to COPA, he mentioned while walking ██████ to a cell, he did not move, yelled profanities very close to his face, and blood was getting on his face from ██████ bleeding from the mouth.¹⁵ ██████ did not move, so he extended his arms and used his body weight to push him into the cell.¹⁶ ██████ fell to the ground, and he mentioned ██████ could have tripped over the shackles once he pushed him, and that could have been a reason he fell.¹⁷

III. ALLEGATIONS

Officer Miguel Salazar:

1. Pushing ██████ with both arms while his hands were handcuffed behind his back and his legs were shackled with leg irons without justification.
 - Sustained Rules 2, 3 and 8.

IV. CREDIBILITY ASSESSMENT

This investigation did not reveal any evidence that caused COPA to question the credibility of any sworn members of CPD who provided statements.

V. ANALYSIS¹⁸

Excessive Force

COPA recommends a finding of Sustained against Officer Salazar that he pushed ██████ while his hands were handcuffed behind his back and his legs were shackled without justification. Officer Salazar admitted during his interview that he pushed ██████. The BWC depicted Officer Salazar pushing ██████ causing him to fall. Officer Salazar's actions could've caused ██████ to sustain a serious injury, considering he was handcuffed behind his back and his legs were shackled. Officer Salazar indicated that he pushed ██████ because he was non-compliant and yelling. However, that is not an appropriate use of force option since ██████ was already detained and under CPD control. The push Officer Salazar conducted was not reasonable, necessary, or proportional to have done in this circumstance. Officer Salazar clearly violated general order G03-02¹⁹ which led COPA to a finding of **Sustained**.

¹³ Atts. 1, 5, 62, Pg. 19, Lns. 21-24 and Pg. 20, Ln. 1.

¹⁴ Att. 1 and 5.

¹⁵ Atts. 62, Pg. 12, Lns. 10-20 and Pg. 13, Lns. 9-12.

¹⁶ Att. 62, Pg. 14, Lns. 12-17.

¹⁷ Att. 62, Pg. 15, Lns. 15-18.

¹⁸ For a definition of COPA's findings and standards of proof, see Appendix B.

¹⁹ Att. 63, G03-02, De-Escalation, Response to Resistance, and Use of Force, III, Use of Force- When Authorized, B.

VI. DISCIPLINARY RECOMMENDATION

a. Officer Miguel Salazar

i. Complimentary and Disciplinary History²⁵

Officer Salazar has received twenty-seven awards, including twenty-four Honorable Mentions, and had one Spar issued in 2022 that resulted in a one-day suspension. He also had one Spar in 2023 that resulted in no disciplinary action.

ii. Recommended Discipline

COPA has considered Officer Salazar’s complimentary and disciplinary histories.. However, Officer Salazar intentionally pushed [REDACTED] while he was detained, handcuffed, and shackled with leg irons when there was no necessary need to do so in the District, which leads that to be an aggravating factor. With that in mind, COPA recommends a suspension of up to 30 days.

Approved:

[REDACTED]

Sharday Jackson
Deputy Chief Administrator – Chief Investigator

January 23, 2024
Date

²⁵ Att. 64, the complimentary and disciplinary history of Officer Salazar.

Appendix ACase Details

Date/Time/Location of Incident:	May 7 th , 2022/8:45 A.M./ [REDACTED]
Date/Time of COPA Notification:	May 7 th , 2022/ 1:05 P.M.
Involved Member #1:	Miguel Salazar, Star #16342, Employee ID# [REDACTED], Date of Appointment:12/15/2017, Unit of Assignment: 010, Male, White.
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

- G03-02: De- Escalation, Response to Resistance, and Use of Force (effective 4/15/2021-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.²⁶ 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.”²⁷

²⁶ 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).

²⁷ *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