



Log # 2020-4479

FINAL SUMMARY REPORT¹

I. EXECUTIVE SUMMARY

On September 28, 2020, the Civilian Office of Police Accountability (COPA) received an Initiation Report from Sergeant (Sgt.) Eric White alleging misconduct by a Chicago Police Department (CPD) member. Sgt. White alleged that on September 27, 2020, Officer Darion Jackson used excessive force by employing a chokehold, or any lesser contact with the neck area, to prevent ██████████ from ingesting suspected narcotics.²

Upon review of the evidence, COPA served additional allegations that Officer Jackson, Officer Curtis Alequin, and Officer Khaled Hasan failed to complete an Investigatory Stop Report (ISR) documenting the detention and handcuffing of an unknown Black male subject (now known to be ██████████ who was driving the car ██████████ was seated in. COPA further alleged that Officer Alequin failed to activate his Body-Worn Camera (BWC) to record the traffic stop and detention of ██████████ and the unknown subject. Following its investigation, COPA reached sustained findings for all of the allegations against the officers.

II. SUMMARY OF EVIDENCE³

On September 27, 2020, at approximately 9:40 pm, Officer Jackson, Officer Alequin, and Officer Hasan were on patrol when they observed a vehicle parked illegally in front of a fire hydrant at 3802 W Washington Blvd. The officers approached the vehicle and observed ██████████ who was seated in the front passenger seat and holding his cell phone in his right hand, place a plastic bag into his mouth. This led the officers to believe that ██████████ was attempting to destroy evidence of contraband by swallowing narcotics. While standing outside the front passenger door, Officer Alequin alerted Officer Jackson to ██████████ movements inside the vehicle by first pointing at him and then by reaching inside in an apparent attempt to grab ██████████ left hand.⁴ Officer Jackson observed ██████████ place an object into his mouth, and Officer Jackson reached in through the lowered front passenger window in an apparent attempt to grab ██████████. Officer Jackson feared that ██████████ was attempting to swallow narcotics, and he explained that in his experience when people swallow narcotics they end up in the hospital or dead. Officer Jackson explained that he

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 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.

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, and statements from the involved officers.

⁴ Att. 9 at 2:23.

grabbed [REDACTED] chin with the intention of preventing him from harming himself by swallowing narcotics.⁵

Officer Jackson gave [REDACTED] multiple orders by saying, "Open your mouth. Open your fucking mouth. Open your mouth. Open your fucking mouth. Open it. Open it. Open your fucking mouth."⁶ Officer Jackson then used his right hand and gripped the front of [REDACTED] throat while also grabbing the back of his head with his left hand.⁷ Officer Alequin stated that it appeared that Officer Jackson gripped the front of [REDACTED] throat.⁸ Officer Jackson explained that during the struggle, [REDACTED] leaned forward as he placed a plastic bag in his rear waistband, at which time Officer Jackson's hand slipped and made it appear as if he was choking [REDACTED] but Officer Jackson denied that he intentionally choked [REDACTED].⁹ The officers also attempted to open the front passenger door, but it was locked. Officer Jackson ordered [REDACTED] to "Spit it out."¹⁰ A few moments later, Officer Jackson let go of [REDACTED] and backed away from the vehicle as Officer Alequin opened the front passenger door.¹¹ After [REDACTED] exited his vehicle he said to the officers, "I'm sorry."¹² Officer Jackson stated that after [REDACTED] apologized to him, [REDACTED] also admitted to swallowing one Ecstasy pill.¹³

Officer Hasan grabbed the driver's left wrist through the lowered driver's side window.¹⁴ Officer Hasan first placed one handcuff on the driver's left wrist, then opened the driver's door. The driver, now known to be [REDACTED] stepped out of the vehicle and Officer Hasan handcuffed both of his hands behind his back, after which Officer Hasan performed a protective pat-down on [REDACTED].¹⁵ Officer Hasan then walked [REDACTED] over to a nearby police vehicle where [REDACTED] provided his first and last name, his date of birth, and his home address to Officer Hasan as Officer Hasan appeared to utilize a Portable Data Terminal (PDT) to conduct a name search of [REDACTED].¹⁶

[REDACTED] Arrest Report documented that he did not have any obvious pain or injury when he was received in lockup at 5:55 am on September 28, 2020.¹⁷

[REDACTED] medical records, obtained from Mt. Sinai Hospital, documented that he was brought to the Emergency Department for medical clearance at 2:44 am on September 28, 2020.¹⁸ Hospital personnel were informed that officers observed him in a car swallowing an unknown substance.¹⁹ [REDACTED] told hospital personnel that he did not swallow anything, but he did try to make

⁵ Att. 22 at 8:43.

⁶ Att. 9 at 2:35.

⁷ Att. 9 at 2:41.

⁸ Att. 25 at 12:12.

⁹ Att. 22 at 9:05.

¹⁰ Att. 9 at 2:52.

¹¹ Att. 9 at 2:56.

¹² Att. 9 at 2:59.

¹³ Att. 22 at 9:49.

¹⁴ Att. 10 at 3:09.

¹⁵ Att. 10 at 3:15.

¹⁶ Att. 10 at 4:40.

¹⁷ Att. 5, pg. 4.

¹⁸ Att. 16, pg. 1.

¹⁹ Att. 16, pg. 2.

it look like he swallowed something to discourage the officers from searching his car.²⁰ [REDACTED] was examined and found to be without obvious injuries, able to make decisions, and alert; he was discharged to police custody.²¹

Officer Jackson told COPA that he did not recall preparing an ISR documenting the detention of the driver (now known as [REDACTED]) and Officer Jackson explained that he recalled being more focused on [REDACTED] arrest during the incident.²²

Officer Alequin told COPA that the only interaction he had with an unknown Black male subject was towards the end of the incident when he (Officer Alequin) conducted a brief pat-down of the subject.²³ Officer Alequin was unable to explain why an ISR was not completed regarding the subject, now known to be [REDACTED]. Officer Alequin added that after [REDACTED] was arrested, he (Officer Alequin) was instructed to return to routine patrol while Officer Jackson and Officer Hasan were tasked with completing the proper documentation regarding this incident. Officer Alequin explained that he believed Officer Jackson and Officer Hasan completed the ISR regarding [REDACTED]. Officer Alequin acknowledged it was a mistake on his part to not have activated his BWC during this incident.²⁴

Officer Hasan acknowledged that he did not complete an ISR regarding the driver (now known to be [REDACTED]) because he believed that documenting the contact with [REDACTED] in an Original Case Incident Report sufficed.²⁵

III. ALLEGATIONS

Officer Darion Jackson:

1. Employing a chokehold, or any lesser contact with the neck area, to prevent [REDACTED] from ingesting suspected narcotics.
 - Sustained, Violation of Rules 2, 3, 6, 8, and 9.
2. Failing to complete an investigatory stop report ('ISR') documenting the detention and handcuffing of an unknown black male who was driving the car [REDACTED] was seated in.
 - Sustained, Violation of Rules 2, 3, 5, 6, 10, and 11.

Officer Curtis Alequin:

1. Failing to complete an investigatory stop report ('ISR') documenting the detention and handcuffing of an unknown black male who was driving the car [REDACTED] was seated in.
 - Sustained, Violation of Rules 2, 3, 5, 6, 10, and 11.
2. Failing to activate your Body Worn Camera to record the traffic stop and detention of [REDACTED] and an unknown black male.

²⁰ Att. 16, pg. 3.

²¹ Att. 16, pgs. 3 and 6.

²² Att. 22 at 23:21.

²³ Att. 25 at 14:06.

²⁴ Att. 25 at 21:45.

²⁵ Att. 28 at 10:26 to 12:45.

- Sustained, Violation of Rules 2, 3, 5, 6, 10, and 11.

Officer Khaled Hasan:

1. Failing to complete an investigatory stop report ('ISR') documenting the detention and handcuffing of an unknown black male who was driving the car [REDACTED] was seated in.
 - Sustained, Violation of Rules 2, 3, 5, 6, 10, and 11.

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. ANALYSIS²⁶

COPA finds that **Allegation #1** against **Officer Jackson**, that he employed a chokehold, or any lesser contact with the neck area, to prevent [REDACTED] from ingesting suspected narcotics, to be **Sustained**. Although Officer Jackson explained that his intention was to prevent [REDACTED] from swallowing narcotics, which could have harmed or even killed him, Officer Jackson acknowledged that his hand slipped and inadvertently contacted the front of [REDACTED] throat. CPD policy defines deadly force as "force by any means that is likely to cause death or great bodily harm. It includes but is not limited to . . . application of a chokehold (applying direct pressure to a person's trachea (windpipe) or airway (front of the neck) with the intention of reducing the intake of air), carotid artery restraints (techniques that compresses the blood vessels in the neck to inhibit or restrict blood flow to carotid arteries), or other maneuvers for applying direct pressure on a windpipe or airway."²⁷ CPD Policy also states, "Under no circumstances will a member use a chokehold, or any lesser contact with the neck area, to prevent the destruction of evidence by ingestion."²⁸ COPA finds by a preponderance of evidence that Officer Jackson violated CPD policy in that he did make contact with [REDACTED] neck area to prevent [REDACTED] from ingesting evidence, to wit, narcotics, and Officer Jackson violated Rules 2, 3, 6, 8, and 9.

COPA finds that **Allegation #2** against **Officer Jackson**, that he failed to complete an ISR documenting the detention and handcuffing of an unknown black male (now known to be [REDACTED] [REDACTED] who was driving the car [REDACTED] was seated in, to be **Sustained**. CPD policy requires that an ISR be completed when officers stop an individual based on reasonable articulable suspicion that a suspect is committing, is about to commit, or has committed a criminal offense.²⁹ An ISR is also required when officers conduct a protective pat down or other search of a stopped individual, and the ISR must include a statement of facts establishing reasonable articulable suspicion to pat down an individual for potential weapons.³⁰ This investigation revealed no evidence that any of the involved officers submitted an ISR regarding the detention and searching of [REDACTED] and Officer Jackson added that he could not recall completing or submitting an

²⁶ For a definition of COPA's findings and standards of proof, see Appendix B.

²⁷ Att. 32, G03-02 III(C)(1)(d); Use of Force.

²⁸ Att. 33, G03-02-01 IV(C)(2)(d)(4); Force Options.

²⁹ Att. 36, S04-13-09 II(C), III(D); Investigatory Stop System.

³⁰ Att. 36, S04-13-09 (III)(D)(1)(c).

ISR. While [REDACTED] was handcuffed and patted down primarily by Officer Hasan, Officer Jackson and Officer Alequin were partnered with Officer Hasan and took part in the stop, and all of them were obliged to make sure that their activities were appropriately documented. Officer Hasan's actions also took place in view of Officer Jackson. COPA therefore finds by a preponderance of evidence that Officer Jackson violated CPD policy when he failed to complete an ISR documenting the detention and handcuffing of [REDACTED] and Officer Jackson violated Rules 2, 3, 5, 6, 10, and 11.

COPA finds that **Allegation #1** against **Officer Alequin**, that he failed to complete an ISR documenting the detention and handcuffing of an unknown black male (now known to be [REDACTED] who was driving the car [REDACTED] was seated in, to be **Sustained**. Officer Alequin stated that the only interaction he had with [REDACTED] was towards the end of the incident when he (Officer Alequin) conducted a brief pat-down of [REDACTED]. Officer Alequin was unable to explain why an ISR was not completed regarding [REDACTED]. Officer Alequin added that after [REDACTED] was arrested, he (Officer Alequin) was instructed to return to routine patrol while Officer Jackson and Officer Hasan were tasked with completing the proper documentation regarding this incident, and Officer Alequin stated he believed Officer Jackson and Officer Hasan completed the ISR. As noted above, CPD policy required the completion of an ISR under the circumstances presented in this case. While Officer Alequin may have believed that Officers Jackson and Hasan were going to complete the ISR, all three of the officers were partnered together, and all of them were obliged to make sure that their activities were appropriately documented. COPA therefore finds by a preponderance of evidence that Officer Alequin violated CPD policy when he failed to complete an ISR documenting the detention and handcuffing of [REDACTED] and Officer Alequin violated Rules 2, 3, 5, 6, 10, and 11.

COPA finds that **Allegation #2** against **Officer Alequin**, that he failed to activate his BWC to record the traffic stop and detention of [REDACTED] and an unknown black male, to be **Sustained**. This investigation revealed no evidence that Officer Alequin activated BWC at any time during this incident, and Officer Alequin acknowledged it was a mistake on his part to not have activated his BWC. CPD policy requires that all law-enforcement-related encounters be electronically recorded by BWC.³¹ Law-enforcement-related encounters include, *inter alia*, traffic stops, investigatory stops, searches, arrests, and use of force incidents.³² The recording of law-enforcement-related encounters is mandatory; Officers must activate their BWCs at the beginning of an incident and record the entire incident for all law-enforcement-related activities.³³ If there are circumstances preventing the activation of the BWC at the beginning of an incident, the officer must activate the BWC as soon as practical.³⁴ COPA therefore finds by a preponderance of evidence that Officer Alequin violated CPD policy when he failed to activate his BWC to record the incident under investigation, and Officer Alequin violated Rules 2, 3, 5, 6, 10, and 11.

COPA finds that **Allegation #1** against **Officer Hasan**, that he failed to complete an ISR documenting the detention and handcuffing of an unknown black male who was driving the car [REDACTED] was seated in, to be **Sustained**. Officer Hasan acknowledged that he did not

³¹ Att. 34, S03-14 (III)(A)(2); Body Worn Cameras.

³² Att. 34, S03-14 (III)(A)(2).

³³ Att. 34, S03-14 (III)(A)(1).

³⁴ Att. 34, S03-14 (III)(A)(2).

complete an ISR regarding the male black driver, now known to be [REDACTED] because he erroneously believed that documenting his contact with [REDACTED] in an Original Case Incident Report sufficed.³⁵ As noted above, CPD policy required the completion of an ISR under the circumstances presented in this case, and Officer Hasan has now acknowledged this requirement. COPA therefore finds by a preponderance of evidence that Officer Hasan violated CPD policy when he failed to complete an ISR documenting the detention and handcuffing of [REDACTED] and Officer Hasan violated Rules 2, 3, 5, 6, 10, and 11.

VI. DISCIPLINARY RECOMMENDATION

a. Officer Darion Jackson

i. Complimentary and Disciplinary History³⁶

Officer Jackson has received sixteen Honorable Mentions and the 2019 Crime Reduction Award. Officer Jackson was reprimanded after a sustained complaint register investigation for a May 2021 incident involving operational or personnel violations related to failure to submit a report. Officer Jackson also has three sustained complaints through the summary punishment process: he was reprimanded for improper arrest, booking, or processing in a November 2023 incident; he was reprimanded for a court appearance violation in an August 2023 incident; and no disciplinary action was taken for an incident in January 2023 where Officer Jackson failed to perform a duty.

ii. Recommended Discipline

COPA has found that Officer Jackson violated Rules 2, 3, 6, 8, and 9 when he employed a chokehold or other lesser contact with [REDACTED] neck area to prevent [REDACTED] from ingesting suspected narcotics. COPA has also found that Officer Jackson violated Rules 2, 3, 5, 6, 10, and 11 when failed to complete an ISR documenting the detention of [REDACTED]. Officer Jackson admitted that he was attempting to prevent [REDACTED] from swallowing narcotics and that his hand came in contact with [REDACTED] throat, although he contends that the contact with [REDACTED] throat was inadvertent. COPA does not accept Officer Jackson's explanation that the contact was inadvertent, and COPA finds that Officer Jackson's actions were intentional. COPA acknowledges that [REDACTED] suffered no apparent injury from Officer Jackson's actions and that Officer Jackson was motivated by a desire to prevent [REDACTED] from being harmed by the narcotics he appeared to be attempting to swallow. However, CPD has already balanced the danger presented by a suspect swallowing narcotics against the danger of an officer using a chokehold or lesser contact with the suspect's neck area to prevent the destruction of evidence by ingestion, and CPD policy prohibits this conduct. Officer Jackson was obligated to know and follow the policy. Further, Officer Jackson admitted that he could not remember completing or submitting an ISR to document the detention and handcuffing of [REDACTED]. ISRs are an important tool used by CPD to ensure that officers protect the public, preserve the rights of all members of the community, and enforce the law impartially. Failing to fully document law enforcement action tends to undermine public confidence in CPD and can undermine effective oversight. Based on this information, and

³⁵ Att. 28 at 10:26 to 12:45.

³⁶ Att. 37.

considering Officer Jackson's complimentary and disciplinary history, COPA recommends a **15-day suspension**.

b. Officer Curtis Alequin

i. Complimentary and Disciplinary History³⁷

Officer Alequin has received three Department Commendations, the 2019 Crime Reduction Award, and 125 Honorable Mentions. Officer Alequin received a "violation noted" for a sustained complaint register investigation related to a July 2020 incident involving neglect of duty. Officer Alequin also has three sustained complaints through the summary punishment process: he received a two-day suspension for a May 2023 incident involving failure to perform assigned tasks; and he was reprimanded twice for incidents in March 2023, one involving being absent without permission and another involving an equipment violation.

ii. Recommended Discipline

COPA has found that Officer Alequin violated Rules 2, 3, 5, 6, 10, and 11 when he both failed to complete an ISR documenting the detention of [REDACTED] and when he failed to activate his BWC to record the traffic stop and detention of [REDACTED] and [REDACTED]. ISRs are an important tool used by CPD to ensure that officers protect the public, preserve the rights of all members of the community, and enforce the law impartially. Likewise, BWCs are important tools to document police interactions with members of the community. Failing to complete an ISR and failing to record law enforcement activity with a BWC both tend to undermine public confidence in CPD and can undermine effective oversight. Based on this information, and considering Officer Alequin's complimentary and disciplinary history, COPA recommends a **3-day suspension**.

c. Officer Khaled Hasan

i. Complimentary and Disciplinary History³⁸

Officer Hasan has received six Department Commendations, the Police Officer of the Month Award, the Traffic Stop of the Month Award, 106 Honorable Mentions, and four other awards and commendations. Officer Hasan has no sustained complaint register investigations within the past five years and no sustained complaints through the summary punishment process.

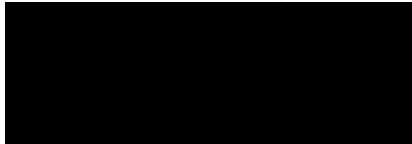
³⁷ Att. 37.

³⁸ Att. 37.

ii. Recommended Discipline

COPA has found that Officer Hasan violated Rules 2, 3, 5, 6, 10, and 11 when he failed to complete an ISR documenting the detention of [REDACTED]. Officer Hasan explained that he erroneously believed that documenting [REDACTED] detention in a case report was sufficient, but he now understands that an ISR was required based on the circumstances of this stop. ISRs are an important tool used by CPD to ensure that officers protect the public, preserve the rights of all members of the community, and enforce the law impartially. Failing to fully document law enforcement action tends to undermine public confidence in CPD and can undermine effective oversight. Based on this information, and considering Officer Hasan's complimentary and disciplinary history, COPA recommends a **reprimand**.

Approved:



01/04/2024

Matthew Haynam
Deputy Chief Administrator – Chief Investigator

Date

Appendix ACase Details

Date/Time/Location of Incident:	September 27, 2020 / 9:40 pm / 3802 W Washington Blvd. / Chicago, Illinois 60624
Date/Time of COPA Notification:	September 28, 2020 / 4:22 am
Involved Officer #1:	Police Officer Darion Jackson / Star #11118 / Employee ID # [REDACTED] / DOA: August 16, 2017 / Unit: 011 / Male / Black
Involved Officer #2:	Police Officer Curtis Alequin / Star #10028 / Employee ID # [REDACTED] / DOA: May 16, 2017 / Unit: 640 / Male / Hispanic
Involved Officer #3:	Police Officer Khaled Hasan / Star #8454 / Employee ID # [REDACTED] / DOA: August 29, 2016 / Unit: 193/ Male / White
Subject:	[REDACTED] / 35 YOA / 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 11:** Incompetency or inefficiency in the performance of duty.
- Rule 14:** Making a false report, written or oral.
- Rule 38:** Unlawful or unnecessary use or display of a weapon.

Applicable Policies and Laws

- G03-02: Use of Force (effective February 29, 2020, to April 15, 2021).
- G03-02-01: Force Options (effective February 29, 2020, to April 15, 2021).
- S03-14: Body Worn Cameras (effective April 30, 2018, to present).
- S04-13-09: Investigatory Stop System (effective July 10, 2017, to 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.³⁹ 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.”⁴⁰

³⁹ 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).

⁴⁰ *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