



Log # 2021-3726

FINAL SUMMARY REPORT¹

I. EXECUTIVE SUMMARY

On September 20, 2021, the Civilian Office of Police Accountability (COPA) received an Initiation Report from Chicago Police Department (CPD) Lieutenant (Lt.) Charles Artz reporting alleged misconduct by a CPD member. Lt. Artz alleged that on September 19, 2021, Officer John Dalcason used excessive force in the course of detaining ██████████² Following its investigation, COPA reached sustained findings regarding all allegations.

II. SUMMARY OF EVIDENCE³

Beginning at 1:26 pm on September 19, 2021, multiple individuals called 911 to report that two individuals were shot in the 11800 block of S Emerald Ave.⁴ Members of the Chicago Fire Department (CFD) responded to the location and began to treat the wounded individuals: one located in the front yard of 11812 S Emerald Ave. and one located in an adjacent vacant lot directly to the south of 11812 S Emerald Ave.⁵ CPD officers also responded and began to establish a perimeter around the scene of the shooting.⁶

Members of the community and the victims' families also began to gather around the scene. Several civilians began to approach the victim in the vacant lot and to interfere with the CFD members treating him.⁷ Officer Dalcason approached to assist with removing the civilians, and he placed his hands on an unidentified man who was standing directly over one of the shooting victims.⁸ As Officer Dalcason was doing this, ██████████ approached Officer Dalcason from behind and pushed him.⁹ Officer Dalcason turned towards ██████████ placed his hands around ██████████ neck, and pushed ██████████ backwards into a car.¹⁰

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 officer interviews.

⁴ Atts. 4 and 24 to 29.

⁵ Att. 17.

⁶ Att. 6 at 5:00.

⁷ Att. 6 at 5:17.

⁸ Att. 7 at 2:06.

⁹ Att. 7 at 2:08.

¹⁰ Att. 7 at 2:09.



Figure 1: A screenshot from Att. 7, BWC footage from Officer Kogut at 2:11, showing Officer Dalcason's hands around [REDACTED] neck.

Officer Dalcason performed an emergency takedown by pulling [REDACTED] forward by his shirt and the back of his neck.¹¹ [REDACTED] fell to his knees, and Officer Dalcason put [REDACTED] in a headlock with his forearm across [REDACTED] neck while forcing [REDACTED] fully to the ground.¹²

¹¹ Att. 7 at 2:13.

¹² Att. 11 at 3:26.



Figure 2: A screenshot from Att. 11, BWC footage from Officer Jackson at 3:28, showing Officer Dalcason restraining ██████████¹³

Once on the ground, Officer Dalcason handcuffed ██████████ assisted him to his feet, and led him to a patrol car parked on the street.¹⁴ Officer Dalcason's BWC recording shows that when ██████████ got to his feet, blood was visible on ██████████ lips and in his mouth.¹⁵ As they walked, ██████████ was distraught and crying. ██████████ told Officer Dalcason that the shooting victim was his stepson.¹⁶ Once at the car, ██████████ slammed his head on the hood of the car.¹⁷ Officer Dalcason held ██████████ in the rear of the patrol car until ██████████ calmed down, and Officer Dalcason ultimately released ██████████¹⁸

¹³ Att. 11 at 3:28.

¹⁴ Att. 6 at 5:42 to 8:38.

¹⁵ Att. 6 at 7:49 to 8:11.

¹⁶ Att. 6 at 8:30.

¹⁷ Att. 6 at 9:53.

¹⁸ Att. 6 at 12:48 to 18:51.

III. ALLEGATIONS

Officer John Dalcason:

1. Placing your hands around ██████████ neck without justification.
 - Sustained, Violation of Rules 2, 3, 6, 8, and 9.
2. Placing ██████████ in a headlock without justification.
 - Sustained, Violation of Rules 2, 3, 6, 8, and 9.

IV. CREDIBILITY ASSESSMENT

COPA interviewed Officer Dalcason in June 2023. During the interview, Officer Dalcason generally described the incident consistently with the available BWC video and CPD reports. However, when asked about the specific circumstances surrounding the allegations, Officer Dalcason sought to minimize his actions and characterized his conduct in ways that were inconsistent with the available BWC video.

Officer Dalcason said that when he first turned towards ██████████ he intended to reach for ██████████ shoulders and made inadvertent contact with ██████████ neck.¹⁹ When asked about wrapping his arms in front of ██████████ following the emergency takedown, Officer Dalcason denied making any contact with ██████████ neck.²⁰ Officer Dalcason denied applying any pressure to ██████████ neck both when his hands were around ██████████ neck and when he wrapped his arm around ██████████ while taking him to the ground.²¹ While it may be true that Officer Dalcason did apply pressure to ██████████ shoulders while pushing him backwards, the available BWC video recording clearly shows Officer Dalcason's hands encircling ██████████ neck as Officer Dalcason pushes ██████████ backwards.²² Officer ██████████ denial that he made contact with ██████████ neck while taking him to the ground is clearly refuted by Officer Jackson's BWC video.²³

V. ANALYSIS²⁴

CPD members are expected to resolve situations without using force, unless required under the circumstances to serve a lawful purpose.²⁵ Members may only use force that is objectively reasonable, necessary, and proportional, under the totality of the circumstances, to ensure the safety of a member or third person, stop an attack, make an arrest, or prevent escape.²⁶ The main issue in evaluating each use of force is whether the amount of force used by the member was objectively reasonable in light of the totality of the circumstances faced by the member, at the time

¹⁹ Att. 21 at 6:16 to 6:33.

²⁰ Att. 21 at 9:10 to 9:29.

²¹ Att. 21 at 6:25 and at 9:29 to 9:35.

²² Att. 7 at 2:11.

²³ Att. 11 at 3:28.

²⁴ For a definition of COPA's findings and standards of proof, *see* Appendix B.

²⁵ Att. 35, G03-02(II)(C), De-escalation, Response to Resistance, and Uses of Force (effective April 15, 2021, to June 28, 2023).

²⁶ Att. 35, G03-02(III)(B).

of the incident.²⁷ An individual who attempts to create distance between themselves and a member's reach with the intent to avoid physical control or defeat arrest is an active resistor, and a person who is using or threatening to use force that is likely to cause physical injury against themselves or another is an assailant.²⁸

The use of deadly force is "a last resort that is permissible only when necessary to protect against an imminent threat to life or to prevent great bodily harm to the member or another person."²⁹ A threat is imminent "when it is objectively reasonable to believe that: (1) the person's actions are immediately likely to cause death or great bodily harm to the member or others unless action is taken; and (2) the person has the means or instruments to cause death or great bodily harm; and (3) the person has the opportunity and ability to cause death or great bodily harm."³⁰ Deadly force is force by any means that is likely to cause death or great bodily harm, and it includes the application of a chokehold, carotid artery restraint, or other maneuvers for applying direct pressure on a windpipe or airway.³¹

██████ actions immediately preceding Officer Dalcason's use of force all fit within the definition of an active resistor: he ignored verbal directives to stay out of the area that the paramedics were working in,³² and he pushed Officer Dalcason to interfere with Officer Dalcason's efforts to gain physical control over another individual at the scene.³³ While ██████ did push Officer Dalcason, this use of force was not sufficient to characterize ██████ as an assailant because a push is not likely to cause physical injury. Also, even if ██████ could be characterized as an assailant, Officer Dalcason's response was not reasonable, necessary, or proportional to ██████ actions.

The available BWC video shows Officer Dalcason's hands encircling ██████ neck while pushing ██████ backwards.³⁴ By placing his hands around ██████ neck, Officer Dalcason applied direct pressure to ██████ windpipe or airway. The available BWC video also shows Officer Dalcason reach his arm across ██████ neck and grip ██████ right shoulder in a headlock position while forcing ██████ from his knees to the ground.³⁵ It is highly likely that by positioning his arm across ██████ neck while applying his weight against ██████ back, Officer Dalcason applied direct pressure to ██████ windpipe or airway again.

The use of these holds and restraints are prohibited by CPD policy when engaging an active resistor. Even when encountering an assailant, these holds are prohibited by CPD policy unless the

²⁷ Att. 35, G03-02(III)(B)(1).

²⁸ Att. 36, G03-02-01(IV)(B)(2) and (IV)(C), Response to Resistance and Force Options (effective April 15, 2021, to June 28, 2023).

²⁹ Att. 35, G03-02(IV)(C).

³⁰ Att. 35, G03-02(IV)(B).

³¹ Att. 35, G03-02(IV)(A).

³² Att. 11 at 2:28.

³³ Att. 7 at 2:07.

³⁴ Att. 7 at 2:11.

³⁵ Att. 11 at 3:28.

assailant’s actions constitute an imminent threat of death or great bodily harm, and [REDACTED] actions were far short of that standard. Because Officer Dalcason responded to [REDACTED] actions with a disproportionate level of force, COPA finds that Officer Dalcason violated CPD policy and Rules 2, 3, 6, 8, and 9, and that **Allegations 1 and 2** against Officer Dalcason are **Sustained**.

VI. DISCIPLINARY RECOMMENDATION

a. Officer John Dalcason

i. Complimentary and Disciplinary History³⁶

Officer Dalcason has received the Superintendent’s Award of Merit, the Police Blue Shield Award, the Life Saving Award, four Department Commendations, the Problem Solving Award, the Unit Meritorious Performance Award, three complimentary letters, fifty-eight Honorable Mentions, and eight other awards and commendations. Officer Dalcason has no sustained complaint registers within the past five years. Officer Dalcason has been disciplined three times through the summary punishment process, having been reprimanded in December 2022 and in July 2023 for being absent without permission, and having been suspended for one day for a court appearance violation in June 2023.

ii. Recommended Discipline

COPA has found that Officer Dalcason violated Rules 2, 3, 6, 8, and 9 by using excessive force against [REDACTED] Officer Dalcason did not take responsibility for his misconduct and instead attempted to justify and/or minimize his actions. Officer Dalcason’s use of force did not result in any documented serious injury to [REDACTED] but by using maneuvers that applied direct pressure to [REDACTED] windpipe or airway, Officer Dalcason used deadly force under circumstances where it was not warranted. Under these circumstances, and considering Officer Dalcason’s complimentary and disciplinary history, COPA finds that a 90-day suspension is the appropriate discipline to impose on Officer Dalcason.

Approved:

[REDACTED]

9-1-2023

Angela Hearts-Glass
Deputy Chief Investigator

Date

³⁶ Att. 37.

Appendix ACase Details

Date/Time/Location of Incident:	September 19, 2021 / 2:00 pm / 11812 S Emerald Ave., Chicago, IL
Date/Time of COPA Notification:	September 20, 2021 / 2:15 pm
Involved Member #1:	Officer John Dalcason / Star #5392 / Employee ID # [REDACTED] / DOA: April 28, 2003 / Unit: 005 / 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.

Applicable Policies and Laws

- General Order G03-02, De-escalation, Response to Resistance, and Uses of Force (effective April 15, 2021, to June 28, 2023)
- General Order G03-02-01, Response to Resistance and Force Options (effective April 15, 2021, to June 28, 2023)

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.³⁷ 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.”³⁸

³⁷ 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).

³⁸ *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