

SUMMARY REPORT OF INVESTIGATION

I. EXECUTIVE SUMMARY

Date of Incident:	February 9, 2021
Time of Incident:	8:35 p.m.
Location of Incident:	1909 N. La Crosse Avenue
Date of COPA Notification:	July 23, 2021
Time of COPA Notification:	4:34 p.m.

On February 9, 2021, ██████████ (██████████) was apprehended by Officer Wojciech Kanski (“Officer Kanski”) and Officer Patryk Prasak (“Officer Prasak”) as a suspect for vehicular carjacking. As Officer Kanski and Officer Prasak adjusted ██████████ handcuffs, Lieutenant Wilfredo Roman Jr. (“Lieutenant Roman”) approached and began yelling in the direction of ██████████ and the officers. Lieutenant Roman then walked behind ██████████ who was still handcuffed, and placed his flashlight between the buttocks of ██████████ COPA brought allegations, including excessive force, against Lieutenant Roman. COPA also brought allegations against Officer Kanski and Officer Prasak for failure to report the misconduct. On September 2, 2021, Lieutenant Roman was arrested and charged with Aggravated Battery and Official Misconduct.¹ Lieutenant Roman was indicted on September 17, 2021, and was found not guilty on January 30, 2023, after a bench trial.²

II. INVOLVED PARTIES

Involved Lieutenant #1:	Wilfredo Roman, Jr., Star No. 723, Employee ID No. ██████████, Date of Appointment: June 19, 2000; Lieutenant, Unit of Assignment 025, DOB: ██████████, 1976; Male, Hispanic.
Involved Officer #1:	Wojciech Kanski, Star No. 10983, Employee ID No. ██████████, Date of Appointment: August 28, 2006; Officer, Unit of Assignment 025, DOB: ██████████, 1980; Male, White.
Involved Officer #2:	Patryk Prasak, Star No. 11964, Employee ID No. ██████████, Date of Appointment: October 16, 2019; Officer, Unit of Assignment: 006, DOB: ██████████, 1994; Male, White.
Involved Individual #1:	██████████ DOB: ██████████, 2003; Male, Black.

¹ Att. 16.

² Att. 60, pg. 42, lns. 21 through 23.

III. ALLEGATIONS

Officer	Allegation	Finding / Recommendation
Lieutenant Wilfredo Roman, Jr.	<p>It is alleged that on or about February 9, 2021, at approximately 8:35 pm, at or near 1909 N. La Crosse Avenue, you, Lieutenant Wilfredo Roman Jr., committed misconduct through the following acts or omissions, in violation of Department policy:</p> <ol style="list-style-type: none"> 1. Using excessive force by placing a flashlight in between the buttocks of ██████ without justification. 2. Being arrested on one count of Aggravated Battery In the Public Way under CB No. 030080098. 3. Being arrested on one count of Official Misconduct under CB No. 030080098. 4. Failing to act in a manner consistent with the Department's policy to treat all persons with courtesy and dignity by placing a flashlight in between the buttocks of ██████ without justification. 5. Failing to complete a Tactical Response Report regarding your use of force against ██████ 6. Directing disrespectful language to the effect of, "Stop yelling like a little bitch," to ██████ 	<p>Sustained/Separation</p> <p>Sustained/Separation</p> <p>Sustained/Separation</p> <p>Sustained/Separation</p> <p>Sustained/Separation</p> <p>Sustained/Separation</p>
Officer Wojciech Kanski	<p>It is alleged that on or about February 9, 2021, at approximately 8:35 p.m., at or near 1909 N. La Crosse Avenue, you Officer Wojciech Kanski, committed misconduct through the following acts or omissions, in violation of Department policy:</p>	

³ Allegations served inadvertently spelled ██████ first name as ██████

Officer Wojciech Kanski	1. Failing to report the misconduct of Lieutenant Wilfredo Roman Jr. with respect to [REDACTED]	Not Sustained
Officer Patryk Prasak	<p>It is alleged that on or about February 9, 2021, at approximately 8:35 p.m., at or near 1909 N. La Crosse Avenue, you Officer Patryk Prasak, committed misconduct through the following acts or omissions, in violation of Department policy:</p> <p>1. Failing to report the misconduct of Lieutenant Wilfredo Roman Jr. with respect to [REDACTED]</p>	Sustained/ 1 Day Suspension

IV. APPLICABLE RULES AND LAWS

Rules

1. Rule 1: Violation of any law or ordinance.
 2. Rule 2: Any action or conduct which impedes the Department's efforts to achieve its policy and goals or brings discredit to the Department.
 3. Rule 3: Any failure to promote the Department's efforts to implement its policy or accomplish its goals.
 4. Rule 5: Failure to perform any duty.
 5. Rule 6: Disobedience of an order or directive, whether written or oral.
 6. Rule 8: Disrespect to or maltreatment of any person, while on or off duty.
 7. Rule 9: Engaging in any unjustified verbal or physical altercation with any person, while on or off duty.
 8. Rule 10: Inattention to duty.
 9. Rule 21: Failure to report promptly to the Department any information concerning any crime or unlawful action.
 10. Rule 22: Failure to report to the Department any violation of Rules and Regulations or any other improper conduct which is contrary to the policy, orders or directives of the Department.
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11. Rule 38: Unlawful or unnecessary use or display of a weapon.

General Orders

1. G02-01, Protection of Human Rights (effective October 5, 2017).
2. G03-02, Use of Force (effective February 29, 2020, through April 15, 2021).
3. G03-02-01, Response to Resistance and Force Options (effective February 29, 2020, through April 15, 2021).
4. G03-02-02, Incidents Requiring the Completion of a Tactical Response Report (effective February 29, 2020, through April 15, 2021).
5. G08-01-02, Specific Responsibilities Regarding Allegations of Misconduct (effective May 4, 2018, through December 31, 2021).

Special Orders

1. S03-03-04 District Field and Tactical Lieutenants (effective February 5, 2019).

State Laws

1. 720 ILCS 5/12-1(a) Assault
2. 720 ILCS 5/12-3(a) Battery
3. 720 ILCS 5/12-3.05 (c) Aggravated Battery
4. 720 ILCS 5/33-3(a)(2) Official Misconduct

V. INVESTIGATION⁴

a. Interviews⁵

Lieutenant Wilfredo Roman, Jr., (“Lieutenant Roman”)⁶ provided a statement to COPA on March 24, 2023, at COPA’s offices. On the day of the incident, Lieutenant Roman, Jr. was on patrol with two other members when he received a flash message regarding a vehicle that had been carjacked. Lieutenant Roman observed the vehicle described and after confirming with dispatch he started to follow the vehicle. The vehicle eventually stopped, and two subjects exited and began running. Lieutenant Roman stayed with the carjacked vehicle and heard over the radio that one, and then a second, subject had been placed into custody.

Lieutenant Roman stated that he was securing the area around the vehicle at the front of a residence when he heard screaming occurring in an alley. Lieutenant Roman then walked into the

⁴ COPA conducted a thorough and complete investigation. The following is a summary of the material evidence gathered and relied upon in our analysis.

⁵ COPA made multiple attempts to obtain the statement of [REDACTED] but was unsuccessful. See CO-0380118, CO-0380167, CO-0409859, CO-0486372.

⁶ Atts. 58 (audio) and 59 (transcript).

alley where he observed Officers Kanski and Prasak attempting to control █████ who was handcuffed. Lieutenant Roman stated that based on the screaming he “misconstrued the mannerisms of █████ as mannerisms of resisting.”⁷ The mannerisms that Lieutenant Roman identified as resisting included screaming and moving from side to side.⁸ Lieutenant Roman approached from behind and stated that he gave █████ “a quick stun technique to gain compliance,”⁹ and that he “performed the tactic on the upper part of the buttocks.”¹⁰ Lieutenant Roman stated that other than using the flashlight, there were no other methods of gaining control of █████ available to him because he was not going to use his firearm or taser. Lieutenant Roman further stated that if used his hand, it would have probably resulted in a greater injury to █████

Lieutenant Roman believed that █████ was an active resister and that his actions to gain control of █████ were appropriate. He stated that his contact with █████ was minimal and lasted less than a second. He stated that the contact was effective because after the contact was made, █████ “ceased his actions”¹¹ and Lieutenant Roman walked away. Lieutenant Roman further stated that as he walked away, █████ “was still audibly yelling”¹² and so he responded to █████ by stating, “Well, that’s what you get for carjacking.”¹³ Lieutenant Roman also directed words to █████ to the effect of, “Stop yelling like a little bitch,”¹⁴ but stated that there was no intent to disrespect █████ and that “some individuals could relate better to different language.”¹⁵ Later in his statement, Lieutenant Roman apologized for using the language.¹⁶ Lieutenant Roman did not recall Officer Kanski or Officer Prasak requesting assistance¹⁷ and that he did not ask if they required his assistance.¹⁸ Lieutenant Roman stated that based on his actions, he should have completed a TRR.¹⁹

Officer Wojciech Kanski (“Officer Kanski”)²⁰ provided a statement to COPA on October 13, 2021, in COPA offices. Officer Kanski was on routine patrol with his partner, Officer Prasak, when he heard a call for assistance made by another patrol car, Beat 2650, now known to be Lieutenant Roman’s vehicle. Officer Kanski drove to the area where Lieutenant Roman was when a call came out that two subjects fled the carjacked vehicle. Officer Kanski went to the area where the subjects were and tried to cut them off as they were running toward Officer Kanski’s vehicle. Officer Kanski and Officer Prasak exited their vehicle and ran toward the subjects. Officer Kanski then turned into the alley, faced the subjects, and saw them climbing a fence. He observed one of the subjects dropping an object behind the fence and caught up with one of the subjects, █████ Officer Kanski and Officer Prasak ordered █████ to the ground and

⁷ Att. 59, pg. 16 lns. 8 through 10.

⁸ Att. 59, pg. 36, lns. 17 through 18.

⁹ Att. 59, pg. 19, lns. 11 through 12.

¹⁰ Att. 59, pg. 20, lns. 18 through 20.

¹¹ Att. 59, pg. 25, ln. 22.

¹² Att. 59, pg. 26, lns. 8 through 9.

¹³ Att. 59, pg. 26, ln. 11.

¹⁴ Att. 59, pg. 28, lns. 15 through 19.

¹⁵ Att. 59, pg. 28 lns. 23 through 24.

¹⁶ Att. 59, pg. 48 lns. 13 through 14.

¹⁷ Att. 59, pg. 16 lns. 14 through 22.

¹⁸ Att. 59, pg. 23 lns. 2 through 5.

¹⁹ Att. 59, pg. 48 lns. 8 through 9.

²⁰ Att. 42.

█████ complied. Officer Kanski then handcuffed █████ in the back. Officer Kanski stated that when someone is handcuffed in the back, their hands generally rest at waist level.

Officer Kanski stated that after the handcuffs were on, █████ began complaining that they were too tight. Officer Kanski heard over the radio that officers stopped the other offender on the street while Officer Kanski was with █████. Around this time, Officer Prasak left Officer Kanski to assist other officers. Officer Kanski responded to █████ complaint about the handcuffs by asking █████ to give him a second because he did not want to remove the handcuffs by himself. Officer Prasak returned. Officer Kanski and Officer Prasak stood █████ up and Officer Kanski attempted to adjust the handcuffs. Officer Prasak held one of █████ hands and Officer Kanski held the other. Officer Kanski told █████ to stop moving because he could not adjust the handcuffs while █████ was moving.

While Officer Kanski was adjusting █████ handcuffs, Lieutenant Roman arrived in the alley. When Lieutenant Roman approached, █████ was screaming while Officer Kanski was adjusting █████ handcuffs. Officer Kanski said that he was on the side of █████ by his shoulder and Lieutenant Roman walked up directly behind █████. Lieutenant Roman began screaming and yelling at █████. It appeared to Officer Kanski that Lieutenant Roman made some type of contact with █████. Officer Kanski stated it appeared that the Lieutenant Roman bumped █████ with his chest and that the contact did not look forceful. In response, █████ moved the front of his body forward. Officer Kanski stated that he did not have any problem holding onto █████ during the contact. Lieutenant Roman's hands were not visible to him. Lieutenant Roman then walked away and said something to the effect of "This is what you get."²¹ Officer Kanski interpreted the comment to refer to the fact that █████ was being arrested. Initially, Officer Kanski thought Lieutenant Roman was yelling at him. Officer Kanski transported █████ to the 24th District for processing. █████ did not make any statement to Officer Kanski about contact with Lieutenant Roman.

Officer Kanski did not register that what had occurred was any sort of use of force event. He did not notice anything in Lieutenant Roman's hands when he approached. Officer Kanski stated that he needed to look at handcuffs to adjust them and as Lieutenant Roman approached, Officer Kanski looked up and did not finish adjusting █████ handcuffs. Officer Kanski stated that he only continued adjusting the handcuffs when Lieutenant Roman walked away. Officer Kanski did not know the purpose of the bump. He stated that he had seen officers walk up to subjects and bump into them before when they were arguing. He stated that if he had seen misconduct, he would have reported it.

Six months after the incident, Officer Kanski's attorney informed him about the allegations at the State's Attorneys' Office. That was the first time Officer Kanski reviewed his body worn camera ("BWC") video. After reviewing his BWC, Officer Kanski believed that Lieutenant Roman engaged in misconduct, but Officer Kanski did not see anything the night of the incident because he was focused on Lieutenant Roman's face. Officer Kanski believed that Lieutenant Roman engaged in misconduct because Lieutenant Roman had something in his hand that he put in █████ lower back area.

²¹ Att. 66, pg. 23 lns.21 through 23.

Officer Patryk Prasak (“Officer Prasak”)²² provided a statement to COPA on December 1, 2021, in COPA offices. Officer Prasak was on patrol with Officer Kanski when Lieutenant Roman announced over the radio that he was following a vehicle taken in an armed carjacking and that the vehicle was in the vicinity of where Officer Prasak and Officer Kanski were patrolling. Officer Kanski drove to the area where the vehicle was. Lieutenant Roman then announced on the radio that the subjects exited the vehicle on foot and were running down an alley. Officer Kanski and Officer Prasak were near the alley. Officer Kanski and Officer Prasak exited their vehicle and apprehended ██████. Officer Kanski told Officer Prasak that a second offender jumped the fence and Officer Prasak left Officer Kanski to assist with apprehending the second subject. Officer Prasak’s sergeant, Sergeant Osborne, apprehended the second subject and Officer Prasak helped Sergeant Osborn secure him.

Officer Prasak then returned to the alley to check on Officer Kanski who was with ██████. As he was returning, Officer Prasak encountered Lieutenant Roman. Officer Prasak believed he told Lieutenant Roman that the second offender was in front. Officer Prasak stated that ██████ was screaming and moving around a lot saying that the handcuffs needed to be adjusted. Officer Kanski began to adjust ██████ handcuff and because of the lighting, Officer Prasak pulled out his flashlight to aid Officer Kanski. Officer Prasak recalled that the day of the incident the visibility was poor because it was night, and the alley was dark.

██████ was handcuffed in the back. Officer Prasak stated that when someone is handcuffed in the back, their hands usually rest “in the back area, waistline.”²³ As Officer Kanski was adjusting ██████ handcuffs, Lieutenant Roman came around and abruptly stood between Officer Kanski and Officer Prasak. As Lieutenant Roman approached, he was yelling something, but Officer Prasak did not know to whom his yelling was directed. Officer Prasak did not know why Lieutenant Roman approached at the time. As Lieutenant Roman approached, Officer Prasak saw that he had something in his hand, either a baton or a flashlight. Lieutenant Roman pushed Officer Prasak to the side and placed himself close to ██████ and Officer Prasak stated, “It seemed like he kind of pressed whatever he had into the lower back, kind of lower butt area.”²⁴ Officer Prasak stated that at the time, he did not understand what kind of police action Lieutenant Roman was doing. Officer Prasak thought that Lieutenant Roman might be searching for a gun because a gun was involved in the incident. Officer Prasak further stated that at the time, he only had months on the job.

Officer Prasak stated that ██████ might have moved a little bit in response to the Lieutenant’s actions, but ██████ was already moving around and screaming because Officer Prasak and Officer Kanski were still in the process of adjusting the handcuffs. As Lieutenant Roman walked away, Officer Prasak recalled Lieutenant Roman addressing ██████ in a loud voice.

Officer Prasak and Officer Kanski then secured ██████ and took him to be identified by the victims. ██████ never mentioned anything about the incident to Officer Prasak. Officer Prasak and Officer Kanski did not have any conversations about what Lieutenant Roman did. Officer Prasak did not ask anyone about what he thought was the police move that he saw Lieutenant Roman

²² Atts. 46 (audio) and 53 (transcript). Officer Prasak was a Probationary Police Officer at the time of the incident.

²³ Att. 53, pg. 15, ln. 2.

²⁴ Att. 53, pg. 18, lns. 6 through 8.

perform because he was trusting Officer Kanski who had over 15 years on the job and Lieutenant Roman who had over twenty years on the job.

After viewing BWC video, Officer Prasak believed that Lieutenant Roman's actions amounted to misconduct but at the time he did not understand. Officer Prasak stated that you must report misconduct if you see it and that you report it to a supervisor. Officer Prasak further stated that he would want Lieutenant Roman to explain what he did and why he did it and he would want a Captain to speak with Lieutenant Roman. Officer Prasak did not have any conversations with Lieutenant Roman after leaving the scene.

b. Digital Evidence

Officer Kanski's²⁵ and Officer Prasak's²⁶ BWC is consistent with their respective statements regarding the chase and apprehension of [REDACTED] Officer Kanski handcuffs [REDACTED] behind his back while [REDACTED] is on the ground. [REDACTED] can be heard complaining about discomfort in his hands. Officer Kanski stands [REDACTED] up and Officer Prasak can be seen holding a flashlight in his left hand and shining it in the direction of [REDACTED] handcuffs.²⁷ [REDACTED] hands are resting at his back around the waist area.²⁸ [REDACTED] cries out in pain. As Officer Kanski adjusts the handcuffs, Lieutenant Roman approaches. Officer Prasak's flashlight illuminates the area of [REDACTED] buttocks, Lieutenant Roman's hand, and the object Lieutenant Roman is holding.²⁹ Officer Kanski can briefly be seen adjusting [REDACTED] handcuffs as Lieutenant Roman places an object between [REDACTED] buttocks before Lieutenant Roman's body obscures the view of [REDACTED] backside.³⁰ As Lieutenant Roman pushes the object against [REDACTED] buttocks, he can be heard saying, "Shut up," first in a low voice and then louder.³¹ [REDACTED] exclaims, "Ah!" and moves his body forward in response.³² Lieutenant Roman walks away. He then stops, turns around, points in the direction of [REDACTED] and says, "That's what you get for carjacking!"³³ Officer Kanski continues to adjust the handcuffs using a double handcuff on [REDACTED] Moments later, a voice states, "Stop crying like a little bitch."³⁴ Officer Kanski then escorts [REDACTED] to his squad vehicle and places him inside. Officer Prasak and Officer Kanski enter the car with [REDACTED] in the back seat and drive off. The officers stop the car and Officer Kanski asks [REDACTED] to step out and the victim identifies [REDACTED] Officer Kanski and Officer Prasak transport [REDACTED] to the police station.

c. Documentary Evidence

An Arrest Report for Lieutenant Wilfredo Roman³⁵ stated that he was arrested on September 1, 2021, for Aggravated Battery and Official Misconduct. [REDACTED] is listed as the

²⁵ Att. 4.

²⁶ Att. 8.

²⁷ Att. 4 at 3:23.

²⁸ Att. 4 at 3:24.

²⁹ Att. 4 at 3:35.

³⁰ Att. 4 at 3:33.

³¹ Att. 4 at 3:35 through 3:38.

³² Att. 4 at 3:35.

³³ Att. 4 at 3:46 through 3:48.

³⁴ Atts. 4 and 8 at 04:01 through 04:05.

³⁵ Att. 16.

victim. The narrative stated that Lieutenant Roman was observed on BWC acting in his official capacity as a police officer, “knowingly committing an act which he knew he was forbidden by law to perform in that he made physical contact with a juvenile. During the aforementioned encounter, committed the offense of battery, other than by discharge of a firearm when he knowingly made physical contact with the victim by pushing a flashlight in between the buttocks of the victim.”

An **Arrest Report** for █████ █████ stated that █████ was arrested on February 9, 2021, for Aggravated Vehicular Hijacking and Weapons Possession.

Lieutenant Roman’s Criminal Bench Trial began on January 27, 2023, before Judge Joseph Claps. On January 30, 2023, Judge Claps, found Lieutenant Roman not guilty of all charges.³⁷ In support of his decision, Judge Claps stated that the evidence did not support that Lieutenant Roman’s actions were insulting or provoking and that █████ was violated because of those actions. He noted that based on the amount of clothes █████ was wearing, he did not believe that █████ was aware of Lieutenant Roman’s actions and thus could not be insulted or provoked.³⁸ Specifically, Judge Clap found it hard to imagine that █████ “had some piece of a flashlight stuck up his butt” because of his clothes.³⁹

Judge Clap also did not find █████ credible stating that █████ told no one what happened, had no reaction, and that the words █████ stated did not come out of his head.⁴⁰ Judge Clap also distinguished between an administrative disciplinary hearing and a criminal felony trial noting specifically that the burden to be met by the State for felony trials was beyond a reasonable doubt.⁴¹ Based on the evidence, Judge Clap held that the State failed to meet that burden.⁴²

V. LEGAL STANDARD

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.

³⁶ Att. 1.

³⁷ Att. 60, pg. 42, lns. 21 through 23.

³⁸ Att. 60, pg. 39, lns. 11 through 22.

³⁹ Att. 60, pg. 39 lns. 13 through 17.

⁴⁰ Att. 60 pg. 40, ln. 15 though pg. 42 ln. 13.

⁴¹ Att. 60, pg. 40, lns. 8 through 14.

⁴² Att. 60, pg. 42, lns. 18 through 20.

A **preponderance of evidence** can be described as evidence indicating that it is **more likely than not** that a proposition is proved. *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). For example, if the evidence gathered in an investigation establishes that it is more likely that the conduct complied with Department 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. *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.

VI. ANALYSIS

a. Lieutenant Roman used unjustified excessive force against ██████████

“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, bring a person or situation safely under control, or prevent escape.”⁴³ Lieutenant Roman’s placement of his flashlight between the buttocks of ██████████ met none of the use of force criteria.

Further, no Department order authorizes the amount or type of force Lieutenant Roman used in this instance. BWC video shows that ██████████ was not moving his body when Lieutenant Roman approached and pushed his flashlight into ██████████ buttocks. ██████████ can be heard yelling, apparently in response to the tension caused by the handcuffs. Accordingly, at the moment Lieutenant Roman used force, ██████████ was a cooperative person.⁴⁴ Department policy does not permit members to use force of any kind on a cooperative person.⁴⁵

Lieutenant Roman’s claim that the intent of his action was to provide aid with an active resistor is not credible. Verifiable evidence supports that when Lieutenant Roman approached ██████████ was in the process of having his handcuffs adjusted and was not resisting arrest. Further, neither Officer Kanski nor Officer Prasak requested Lieutenant Roman’s assistance with ██████████ and Lieutenant Roman did not inquire whether his assistance was required. Lieutenant Roman stated that he believed that Officers Kanski and Prasak did not have control of ██████████ primarily because ██████████ was screaming. However, Lieutenant Roman’s effort to increase control did not end ██████████ screaming and in fact caused ██████████ to cry out and move more in response. When that occurred, Lieutenant Roman made no additional effort to restrain or control ██████████ but instead walked away and shouted offensive language towards ██████████

⁴³ General Order G03-02 (III)(B).

⁴⁴ *See* General Order G03-02-01(IV)(A).

⁴⁵ *See id.* \

Even so, if ██████ were considered a resister, Department policy does not authorize the technique Lieutenant Roman applied in this case. Compliance techniques involve application of nonimpact pressure. Lieutenant Roman's actions involved impact pressure in that it involved forcible contact with ██████. That type of technique may only be applied to an assailant, as defined under Department policy.⁴⁶

It is immaterial that Judge Clap did not believe that ██████ "had some piece of a flashlight stuck up his butt"⁴⁷ as Judge Clap deemed would be required for aggravated battery in Lieutenant Roman's criminal trial. As Judge Clap noted, criminal trials and administrative proceedings have different standards. Here, verifiable video evidence shows that Lieutenant Roman placed a flashlight between the buttocks of ██████. It was this unnecessary action, regardless of whether it "stuck" anywhere, that constituted unjustified excessive force under the directives. Moreover, both Officer Kanski and Officer Prasak upon review of BWC video concluded that Lieutenant Roman's actions constituted misconduct. COPA finds the allegation that Lieutenant Roman used unjustified excessive force against ██████ is **Sustained**.

b. Lieutenant Roman failed to complete a Tactical Response Report for his use of force.

Even if Lieutenant Roman's use of force were justified, Lieutenant Roman would have been required to complete and submit a Tactical Response Report ("TRR"). Failure to submit a TRR when required to do so is a violation of Rule 6. A TRR is required when a member uses a reportable use of force. Reportable uses of force, include, but are not limited to, instances where a subject is injured or alleges injury from the use of force or a reportable Level 1, Level 2 and Level 3 use of force.⁴⁸ Here, Lieutenant Roman's flashlight, placed between the buttocks of ██████ was used as an impact weapon to the body, a Level 2 use of force.⁴⁹ Lieutenant Roman admitted that he should have completed a TRR. The allegation that Lieutenant Roman failed to complete a TRR is **Sustained**.

c. Lieutenant Roman was properly arrested for Aggravated Battery and Official Misconduct.

Department Rule 1 prohibits any member from violating any law or ordinance. Illinois criminal statutes provide that a battery is committed when a person, knowingly and without legal justification, causes bodily harm or makes physical contact of an assaulting or provoking nature with another.⁵⁰ An Aggravated Battery includes when a person is battered in or about a public way or public property.⁵¹ A Department member engages in official misconduct when, acting in official capacity, knowingly performs an act that the member knows that s/he is forbidden by law from performing.⁵²

⁴⁶ *Id.* At (IV)(C).

⁴⁷ Att. 60, pg. 39 Ins. 13 through 17.

⁴⁸ General Order G03-02-02 (III) (A).

⁴⁹ General Order G03-02-02 (III)(2)(b)(2).

⁵⁰ 720 ILCS 5/12 -3(a).

⁵¹ 720 ILCS 5/12-3.05(c).

⁵² 720 ILCS 5.0/33-3A-1 Official Misconduct.

It is undisputed that during the incident, Lieutenant Roman was on duty and acting in his official capacity as a Lieutenant. It is also undisputed that Lieutenant Roman made knowing and deliberate physical contact with ██████ by placing a flashlight between the buttocks of ██████ while ██████ was in an alley, a public way. Such an act was determined by the Cook County Prosecutor's office to be a sufficient basis for probable cause for arrest. This result indicated that Judge Claps did not find Lieutenant Roman had been proven guilty beyond a reasonable doubt of the charges for which he was arrested. However, this result does not negate that probable cause to arrest Lieutenant Roman existed. Nor does it direct COPA's findings under its lower preponderance of evidence standard. For the reasons stated above, COPA finds that a preponderance of evidence here supports that Lieutenant Roman was properly arrested based on his contact with ██████. The allegations relating to Lieutenant Roman's arrest for Aggravated Battery and Official Misconduct are **Sustained**.

d. Lieutenant Roman directed disrespectful language at ██████

The evidence in the record supports that Lieutenant Roman directed multiple unnecessary and disrespectful comments toward ██████. He is captured on BWC video telling ██████ to shut up multiple times when ██████ reacts to Lieutenant Roman's actions. Moreover, Lieutenant ██████ admitted directing words to the effect of "Stop crying like a little bitch," toward ██████. Such behavior brings discredit upon the Department, and frustrates efforts to achieve its goals, all of which are in violation of Rules 2, 3 8 and/or 9. Although it is commendable that Lieutenant Roman apologized for using the language during his statement to COPA, as a supervising member, Lieutenant Roman had a responsibility to model appropriate, respectful, behavior and his comments fell well short of meeting that responsibility. COPA finds this allegation is **Sustained**.

e. Lieutenant Roman's actions were inconsistent with Department policy to treat all with courtesy and dignity.

Assaulting ██████ in the manner that Lieutenant Roman did was inconsistent with Department policy to treat all with courtesy and dignity. The nature of the assault, which did not serve any legitimate police purpose, appears to have been intended solely to humiliate and/or hurt ██████. Such behavior is antithetical to CPD's goals to promote respect between the community and law enforcement, in clear violation of Rules 2 and 3. This allegation is **Sustained**.

f. There is insufficient evidence to support the claim that Officer Kanski failed to report the misconduct of Lieutenant Roman.

When misconduct is observed by a non-supervisory member, that member is required to notify a supervisory member and to prepare a written report to their unit commander before going off duty on the day the officer became aware of the misconduct.⁵³ Failure to do so is a violation of Rule 6. Officer Kanski stated that he did not see any object in Lieutenant Roman's hand and believed that Roman bumped ██████ with his stomach. Officer Kanski further stated that he did not know the purpose of the bump but that if had seen misconduct he would have reported it. Officer

⁵³ General Order G08-01-02 (II)(B)(1).

Kanski added that he stopped adjusting the handcuffs when Lieutenant Roman approached and did not resume adjusting them until after Lieutenant Roman walked away.

Based on the available verifiable evidence, it is not possible to state that it is more likely than not that Officer Kanski saw Lieutenant Roman use excessive force against [REDACTED]. Although Officer Prasak's body-worn camera video shows that Officer Kanski was adjusting [REDACTED] handcuffs when Lieutenant Roman placed the flashlight between [REDACTED] buttocks, it is not possible to determine that Officer Kanski saw Lieutenant Roman's actions. COPA therefore finds this allegation to be **Not Sustained**.

g. Sufficient evidence exists that Officer Prasak failed to report the misconduct of Lieutenant Roman.

Under the Use of Force directives, CPD members are prohibited from using "excessive force, unwarranted force or unlawful force."⁵⁴ Members are also prohibited from using force "as punishment or retaliation."⁵⁵ CPD members who have knowledge of the use of force against an individual in violation of this directive are required to "submit an individual written report to a supervisor before reporting off duty on the day the member becomes aware of the misconduct."⁵⁶ Failure to obey this directive is a violation of rule 6, 21, and/or 22. At the time of the incident, Officer Prasak saw Lieutenant Roman approach [REDACTED] with something in his hand and stated that it seemed like he pressed that object into what he described as the lower back/lower butt area of [REDACTED]. Despite not understanding the movement, Officer Prasak did not mention what he saw to anyone because he was trusting Officer Kanski and Lieutenant Roman. Although at the time of the incident Officer Prasak was very new to the job, his newness did not relieve him of his responsibilities as a CPD member to report misconduct. Indeed, the fact that he was new to the force provided an additional basis for him to inquire about and report behavior he did not understand. COPA finds this allegation is **Sustained**.

VII. RECOMMENDED DISCIPLINE FOR SUSTAINED ALLEGATIONS

a. Lieutenant Wilfredo Roman Jr.

i. Complimentary and Disciplinary History

Lieutenant Roman has received 219 various awards.

ii. Recommended Penalty

COPA found that Lieutenant Roman violated Rules 1, 2, 3, 6, 8, and 9 of the Department. Lieutenant Roman knowingly placed a flashlight in between [REDACTED] buttocks, failed to complete a TRR documenting his use of force with [REDACTED] directed disrespectful language at [REDACTED] failed to act in a manner consistent with the Department's policy to treat all persons with courtesy and dignity by placing a flashlight in between the buttocks of [REDACTED] without justification, and was arrested for one count of Aggravated Battery In the Public Way under CB No. 030080098 and

⁵⁴ General Order G03-02(III)(B)(5)(a).

⁵⁵ General Order G03-02(III)(B)(5)(c).

⁵⁶ General Order G03-02(V)(c)(1).

one count of Official Misconduct under CB No. 030080098. For these reasons, combined with the officer’s complimentary history and disciplinary history, COPA recommends **Separation**.

b. Officer Prasak

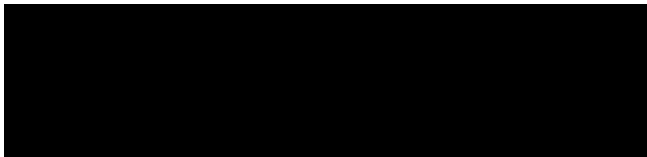
iii. Complimentary and Disciplinary History

Officer Prasak has received 10 various awards and one Spar in 2022 for Failure to Perform Assigned Tasks.

iv. Recommended Penalty

COPA found that Officer Prasak violated Rule 6 when he failed to report the misconduct of Lieutenant Roman. For these reasons, combined with the officer’s complimentary history and disciplinary history, COPA recommends **1-day Suspension**.

Approved:



Angela Heart-Glass
Deputy Chief of investigations

7-6-2023

Date

Appendix A

Assigned Investigative Staff

Squad#:	4
Major Case Specialist:	Vanessa McClinton-Jackson
Supervising Investigator:	LaKenya White
Deputy Chief Administrator:	Angela Hearts-Glass
*Attorney:	Angela Snell