



Log # 2023-0003172

## FINAL SUMMARY REPORT<sup>1</sup>

### I. EXECUTIVE SUMMARY

On July 19, 2023, ██████████ telephoned the Civilian Office of Police Accountability (COPA) and filed this complaint. ██████████ alleged that on July 17, 2023, Detention Aide Frederick Knighten used excessive force by forcefully grabbing ██████████ by his neck without justification.<sup>2</sup> Following its investigation, COPA reached a not sustained finding regarding the allegation of excessive force.

### II. SUMMARY OF EVIDENCE<sup>3</sup>

Just before midnight on July 16, 2023, CPD officers arrested ██████████ for reckless conduct after threatening bar patrons.<sup>4</sup> Upon arrest, CPD officers transported ██████████ to the 12<sup>th</sup> District lockup.<sup>5</sup> ██████████ was moved to the 1<sup>st</sup> District Lockup not long after, where he encountered D.A. Knighten in the early morning hours of July 17, 2023. D.A. Knighten related that ██████████ who was under the influence of alcohol, refused to respond to screening questions during processing.<sup>6</sup> After ██████████ was fingerprinted, he made a phone call. During the phone call, ██████████ became agitated, then slammed down the phone.<sup>7</sup>

After ██████████ completed his phone call, D.A. Knighten escorted ██████████ to a cell, which was captured by cameras inside the lockup area.<sup>8</sup> The lockup video depicts D.A. Knighten holding onto ██████████ shirt collar with his left hand, while he had his right hand on ██████████ neck. D.A. Knighten escorted ██████████ to the cell as ██████████ struggled against D.A. Knighten. Once at the cell, D.A. Knighten

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<sup>1</sup> 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.

<sup>2</sup> 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.

<sup>3</sup> The following is a summary of what COPA finds most likely occurred during this including event queries, POD video, CPD reports, a CFD patient care report, and a CPD member interview.

<sup>4</sup> Atts. 6, 7, 8, 29, and 30.

<sup>5</sup> While at the 12<sup>th</sup> District Lockup, ██████████ complained of an abrasion on his knee that he suffered prior to his arrest. CPD requested a Chicago Fire Department (CFD) ambulance for ██████████ Upon CFD's arrival at the 12<sup>th</sup> District at approximately 12:30 am on July 17, 2023, ██████████ refused medical treatment for his purported injury. See Att. 7, pg. 3, Att. 28 and Att. 31.

<sup>6</sup> Att. 27, pg. 7, Ins. 19 to 23.

<sup>7</sup> Att. 11 at 3:29 to 3:31; Att. 27, pg.8, Ins. 7 to 11.

<sup>8</sup> Att. 4 at 2:31:36 to 2:31:46.

pushed █████ inside, then closed the door. Overall, the video shows D.A. Knighten with his right hand making contact with █████ neck for a few seconds.<sup>9</sup>

In his statement to COPA, D.A. Knighten explained that as he escorted █████ to the cell, █████ threatened to spit on him.<sup>10</sup> In response to █████ threat, D.A. Knighten attempted to grab █████ shirt collar to reposition him and to prevent █████ from spitting on him.<sup>11</sup> D.A. Knighten explained that when he made contact with █████ neck, he did not apply any pressure.<sup>12</sup> D.A. Knighten added that he intended to grab █████ shirt, but not his neck, to prevent his threat of spitting from materializing.<sup>13</sup> He acknowledged that █████ did not spit on him.<sup>14</sup> Once █████ was in the cell, D.A. Knighten had no further contact with him. He estimated that the entire encounter lasted five to ten seconds.<sup>15</sup> D. A. Knighten denied choking or strangling █████<sup>16</sup>

COPA made multiple attempts to interview █████ Despite COPA's efforts, █████ did not cooperate with COPA's investigation.<sup>17</sup>

### III. ALLEGATIONS

#### **Detention Aide Frederick Knighten:**

1. Forcefully grabbing █████ by the neck, without justification.
  - Not sustained.

### IV. CREDIBILITY ASSESSMENT

The credibility of an individual relies primarily on two factors: 1) the individual's truthfulness and 2) the reliability of the individual's account. The first factor addresses the honesty of the individual making the statement, while the second factor speaks to the individual's ability to accurately perceive the event at the time of the incident and then accurately recall the event from memory.

Although there is no audio evidence of █████ threatening to spit at D.A. Knighten, there is BWC video, event queries and CPD reports documenting that █████ was intoxicated and belligerent. Despite █████ refusal to provide a statement, COPA was able to review the video of the lockup incident with D.A. Knighten. Upon comparison of █████ complaint and the video, COPA finds that █████ exaggerated D.A. Knighten's actions, while minimizing his own behavior. Taken altogether, COPA finds that this diminished █████ credibility.

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<sup>9</sup> Att. 4 at 2:31:36 to 2:31:46.

<sup>10</sup> Att. 27, pg. 8, lns. 12 to 16.

<sup>11</sup> Att. 27, pg. 24, lns. 1 to 3.

<sup>12</sup> Att. 27, pg. 21, lns. 16 to 22.

<sup>13</sup> Att. 27, pg. 16, lns. 13 to 16.

<sup>14</sup> Att. 27, pg. 12, lns. 14 to 15.

<sup>15</sup> Att. 27, pg. 23, lns. 1 to 5.

<sup>16</sup> Att. 27, pg. 19, lns. 16 to 21.

<sup>17</sup> Att. 20; CO-1355531, CO-1355649, CO-1356104, CO-1357142, and CO-1358829.

D.A. Knighten provided an account that was substantially similar to what was depicted in the lockup video and other evidence. As such, COPA found D.A. Knighten to be credible.

**V. ANALYSIS<sup>18</sup>**

COPA finds allegation #1, that D.A. Knighten forcefully grabbed █████ by the neck without justification, is **not sustained**. CPD policy provides that CPD members may only use force that is objectively reasonable, necessary, and proportional, under the totality of the circumstances faced by the member on the scene.<sup>19</sup> Generally, unless the person continues to pose an imminent threat of death or great bodily harm to the CPD member or any other person, CPD members will not restrain a person above the shoulders, including the head or neck, in a position which interferes with the person's ability to breathe.<sup>20</sup>

In this case, █████ complained that D.A. Knighten forcefully grabbed his neck without justification. The video from inside the lockup captured this incident. On the one hand, due to the quality of the video, D.A. Knighten's exact hand placement, and how much pressure he utilized, is unclear. On the other hand, D.A. Knighten denied choking or strangling █████ COPA attempted to interview █████ to clarify what occurred, but COPA's numerous attempts were unsuccessful. Although there is sufficient evidence to establish that D.A. Knighten made some contact with █████ neck, there is insufficient evidence to prove or disprove whether D.A. Knighten interfered with █████ ability to breathe. As such, this allegation is not sustained by a preponderance of the evidence.

Approved:

████████████████████  
████████████████████

Steffany Hreno  
*Director of Investigations*

11/14/2024

Date

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

<sup>19</sup> Att. 25, General Order G03-02(III)(B), De-escalation, Response to Resistance, and Use of Force (effective June 28, 2023 to present).

<sup>20</sup> Att. 26, General Order G03-02-01(V)(C), Response to Resistance and Force Options (effective June 28, 2023 to present).

Appendix ACase Details

Date/Time/Location of Incident:	July 17, 2023 / 3:00 am
Date/Time of COPA Notification:	July 19, 2023 / 9:22 am
Involved Member #1:	Frederick Knighten / Employee ID# [REDACTED] / Date of Appointment: December 11, 2001 / Unit of Assignment: 171 / Male / Black
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

- G03-02: De-Escalation, Response to Resistance, and Use of Force (effective June 28, 2023 to present).
- G03-02-01 Response to Resistance and Force Options (effective June 28, 2023 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.<sup>21</sup> 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.”<sup>22</sup>

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<sup>21</sup> 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).

<sup>22</sup> *People v. Coan*, 2016 IL App (2d) 151036, ¶ 28 (quoting Illinois Pattern Jury Instructions, Criminal, No. 4.19 (4<sup>th</sup> 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