



CITY OF CHICAGO
OFFICE OF INSPECTOR GENERAL

20
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Recommendation to Reopen Chicago Police Department Disciplinary Investigation

CPD Log #2021-0002050

OIG Case #2024-0000000096

Published October 17, 2025

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TOBARA RICHARDSON | DEPUTY INSPECTOR GENERAL FOR PUBLIC SAFETY

October 17, 2025

Pursuant to the Municipal Code of Chicago (MCC) § 2-56-230(c)(ii), the Public Safety section of the City of Chicago Office of Inspector General (OIG) conducts reviews of individual closed disciplinary investigations conducted by the Civilian Office of Police Accountability (COPA) and the Chicago Police Department's (CPD) Bureau of Internal Affairs (BIA). Based on those reviews, OIG may make a recommendation to reopen the investigation to address a deficiency materially affecting its outcome.¹

COPA investigated allegations that CPD members entered and searched a residence without justification, used excessive force, and did not activate their body worn cameras (BWC) in a timely manner. It was also alleged that a CPD member used oleoresin capsicum (OC) spray in an unauthorized manner. COPA administratively closed the investigation under its Timeliness Initiative, placed the investigation in a Non-Disciplinary Closure (NDC) status, and recommended retraining on CPD's de-escalation and BWC policies for the involved CPD officers.²

In its NDC Memorandum, COPA's pre-determined lists of disqualifying criteria include "potentially viable allegations" concerning unjustified uses of force against a restrained individual as among those that would disqualify an investigation for NDC. COPA's website further clarifies, "Although not an absolute disqualification, Review Staff also considered whether potentially viable allegations involved vulnerable individuals, including juveniles, the elderly, and disabled individuals."³

During its review, OIG identified that COPA closed this investigation under its Timeliness Initiative despite the incident involving allegations of excessive force against a restrained individual, specifically a juvenile. OIG recommended that COPA reopen the investigation to address the allegations involving excessive force against a restrained individual.

In response to OIG's recommendations, COPA agreed to reopen the investigation. After further review, COPA again closed the investigation without serving allegations, stating in its Non-Final Summary Report that "the incident occurred over five years ago, and COPA lacks sufficient objective verifiable evidence of misconduct to support a request to the Superintendent of Police permitting COPA to proceed with the investigation." COPA cited the Illinois Municipal Code 65 ILCS 5/10-1-18.1 that prohibits disciplinary charges based upon allegations of unreasonable force by a police officer due to the five-year statute of limitations.

¹ Once BIA or COPA has responded to an OIG recommendation to reopen an investigation, and once the underlying investigation has reached a final disciplinary decision, OIG's recommendation letters and the agencies' responses will be published on OIG's website. In these procedural postures, OIG's recommendations to reopen and the agencies' responses have been available and, from time to time, released pursuant to MCC § 2-56-250 and the Illinois Freedom of Information Act. These recommendations to reopen, issued pursuant to MCC § 2-56-230(c), are separate from OIG's own confidential investigative work, which is governed by the confidentiality provisions set out in MCC § 2-56-110.

² Per COPA's website, the Timeliness Initiative Project is a "comprehensive initiative... to review investigations 18 months or older to determine if an alternative approach...is warranted in order to expedite the closure of certain investigations." "After a comprehensive review process, COPA will expedite and conclude eligible misconduct complaints by requesting additional training for Chicago Police Department (CPD) members or through other remedial recommendations if allegations are sustained."

³ COPA's Timeliness Initiative, Accessed April 17, 2024, <https://www.chicagocopa.org/investigations/timeliness-initiative/>

OIG's letter to COPA containing its recommendations is attached in Appendix A, COPA's response is attached as Appendix B.

Appendix A | OIG Letter



Deborah Witzburg | Inspector General
City of Chicago
Office of Inspector General
231 S. LaSalle Street, 12th Floor
Chicago, IL 60604
Phone: (773) 478-7799

Via Electronic Mail

December 10, 2024

ANDREA KERSTEN
CHIEF ADMINISTRATOR
CIVILIAN OFFICE OF POLICE ACCOUNTABILITY
1615 WEST CHICAGO AVENUE, 4TH FLOOR
CHICAGO, ILLINOIS 60622

Re: Log #2021-0002050

Dear Chief Administrator Kersten:

Pursuant to § 2-56-230(c)(ii) of the Municipal Code of Chicago (MCC), the Office of Inspector General's (OIG) Public Safety section has conducted a preliminary review of the investigation conducted by the Civilian Office of Police Accountability (COPA) in Log #2021-0002050. OIG recommends that the investigation be reopened to investigate all appropriate allegations. COPA closed Log #2021-0002050 in a Non-Disciplinary Closure (NDC) status.

Log # 2021-0002050 concerns allegations that Chicago Police Department (CPD) Officers Nicholas Pocius, Star #11106, and Brandon McDonald, Star #19423, used excessive force, entered a residence without justification, searched a residence without justification, and did not activate their body worn cameras (BWC) in a timely manner. It was also alleged that Officer McDonald used oleoresin capsicum (OC) spray in an unauthorized manner. COPA conducted a preliminary investigation of the incident and concluded that the case was eligible for administrative closure under its Timeliness Initiative.¹ According to an electronic note made in CPD's Case Management System (CMS), COPA recommended retraining on CPD's de-escalation and BWC policies for both Officers.²

According to the Original Case Incident Report (OCIR), on December 27, 2019, Officers Pocius and McDonald observed an individual "with a silver/black handgun in [their] right hand along with another unknown subject running in the street" towards a residence and then entered the residence through

¹ According to COPA's policy on Special Project Process, the Timeliness Initiative Project is "intended to review open COPA investigations that have, or are likely to, eclipse the 18-month [PBPA collective bargaining agreement timeframe for completing an investigation], and to consider each investigation for closure by way of non-disciplinary recommendation."

² COPA's Timeliness FAQs states, "COPA has the authority to make a wide range of disciplinary recommendations, and the severity of its recommendations is commensurate with the type of allegation COPA sustains during an investigation. For less severe infractions, COPA can recommend alternatives to formal discipline such as requesting the accused member be retrained." accessed December 15, 2023. <https://www.chicagocopa.org/investigations/timeliness-initiative/timeliness-faqs/>

the front door.³ Officers Pocius and McDonald followed the individuals “in hot pursuit, making forced entry” into the residence.⁴ Officer McDonald unholstered his firearm as he exited his CPD vehicle, approached the residence and kicked the front door open, while Officer Pocius entered the residence through a side door.⁵ A review of BWC video shows Officer McDonald’s reflection in a mirror as he is entering the residence, pointing his firearm at the occupants and stating, “Let me see your fucking hands. Let me see your hands.” The residents put their hands up and one asks, “What the fuck is going on? What the fuck is—this is my house, sir. What the fuck is going on?” Officer McDonald grabs one of the individuals observed running into the residence by their coat and escorts them to the porch outside the residence and performs a pat down. The pat down yields no results, and Officer McDonald walks past the residents standing in the front doorway and re-enters the residence.⁶

While inside the residence, Officer McDonald’s BWC footage captures Officer Pocius shining his flashlight onto a cardboard box near the basement stairs, while one of the residents attempts to stop Officer Pocius. The resident states, “No, no, no, no. What the fuck? What the fuck?”⁷ Several residents in the home surround Officer Pocius as he picks up the cardboard box. One resident yells, “Search warrant!” and Officer McDonald responds, “Back up—we don’t need one.” Multiple residents attempt to grab the box from Officer Pocius, causing it to tear open and multiple plastic bags of suspect cannabis fall to the floor.⁸ Officer McDonald removes his handcuffs from his duty belt and states to the residents, “Everybody going to jail.” Several residents push Officers Pocius and McDonald and a physical altercation begins between Officer Pocius, Officer McDonald, and at least four of the residents; then, both Officers call for emergency back up over their radios.⁹

In one of the four Tactical Response Reports (TRR) Officer McDonald completed regarding this incident, he reported that a resident grabbed Officer McDonald by the collar, and Officer McDonald delivered direct mechanical strikes to the resident’s face.¹⁰ Officer McDonald further reported that the resident grabbed objects from a shelf and threw the objects in Officer McDonald’s direction before tipping the entire shelf over toward Officer McDonald.¹¹ According to the OCIR, Officer McDonald witnessed Officer Pocius “being surrounded by all the offenders and being struck multiple times with closed fists and pushed by all offenders.” Officer McDonald reported in the OCIR that fearing for their safety, Officer McDonald directed three bursts of OC spray at the group.¹² Additional units responded and Officer Randy Aguilar, Star #6781, discharged his taser at one resident after witnessing them attempt to pull Officer Pocius down to the floor. Officer Aguilar’s BWC footage shows the taser is discharged at the resident while the other residents, Officer Pocius, and Officer McDonald are within proximity.¹³

Officer McDonald’s BWC shows Officer Pocius attempt to handcuff the individual first observed with the firearm but another resident grabs Officer Pocius’s duty belt and brings Officer Pocius to the

³ Attachment 17, p. 6.

⁴ Ibid.

⁵ Ibid.

⁶ Attachment 30, at 2:02 – 3:35.

⁷ Ibid., at 3:39 – 3:43.

⁸ Attachment 17, p. 6; Attachment 30, at 3:43 – 4:04.

⁹ Attachment 30, at 4:04 – 4:55.

¹⁰ Attachment 19, p. 2.

¹¹ Attachment 19, p. 2; Attachment 30, at 4:44 – 4:49.

¹² Attachment 17, p. 6.

¹³ Attachment 32, at 2:10 – 2:30.

floor.¹⁴ Officer Pocius's BWC footage begins as he pursues the individual up the stairs and uses a collapsible baton to deliver a strike to the individual's leg.¹⁵ Officer Pocius performs an emergency takedown as the individual continued to walk away from him, causing both Officer Pocius and the individual to fall down a flight of stairs.¹⁶ The BWC footage for Officer James Palarczyk, Star #17383, captures Officer Palarczyk arriving on scene and assisting Officers Pocius and McDonald in handcuffing the individual. The individual is on the ground on their stomach while Officer Pocius lies on top of them, and Officer McDonald delivers several closed fists strikes to the individual's head. Officer McDonald repeats to the individual, "Stop fucking resisting." Officer Palarczyk's BWC captures the individual positioning their hands near their head to stop Officer McDonald's strikes. The individual tells Officers, [REDACTED] Officer McDonald delivers a closed fist strike to the back of individual's head and states, "Get on the fucking ground." An elderly resident witnessing the altercation asks Officer McDonald, "Why you hitting [them] like that?"¹⁷ Officer Palarczyk holds on to the individual's right arm and shoulder as Officer McDonald grabs the individual's left arm. Officer McDonald delivers a closed fist strike to the back of the individual's head and states, "Let your fucking hand go." After being handcuffed, the individual repeats several times, "I can't breathe!" Officer Palarczyk tells the individual to "relax" several times and states, "Stay down. Stay on your side. Breathe" and the individual responds, "I can't—my eyes!"¹⁸ The TRR completed by Officer McDonald detailing the force used on the individual stated Officer McDonald "delivered six closed hand strikes to the face of the subject" after he previously "deployed OC/chemical weapon at the face of the subject."¹⁹ Case reports completed for this incident indicate the individual was 14 years old at the time of the incident.²⁰

After four of the residents were arrested and taken into custody, Officers Pocius and McDonald looked through the upstairs and downstairs rooms of the residence. While conducting the search, Officer McDonald is observed on his BWC footage spitting several times on the floor and into a sink throughout the residence.²¹ During the search, three firearms were recovered from plastic storage totes in a basement bedroom and inventoried.²² The suspect cannabis from the cardboard box was also inventoried, but the Arrest Reports do not indicate that any resident was charged with possession of cannabis.²³

Following the recovery of the firearms, Officer McDonald's BWC shows Officer McDonald verbally engaging with members of the crowd that formed outside the residence and tells one bystander, "Get the fuck outta here. Yeah, you got your ass beat. That's what happened, motherfucker." Officer McDonald continues to step towards the bystander and states, "Come on. Come back, come back. I'm not running from you or anybody in the house. Anybody can go to jail. I got more cuffs." Officer Aguilar steps in to push Officer McDonald away from the bystanders as Officer McDonald states, "Yeah, y'all got us fucked up. It was two on how many and y'all got your ass beat? Get the fuck outta

¹⁴ Attachment 30, at 5:34 – 5:42.

¹⁵ Attachment 31, at 0:00 – 0:07.

¹⁶ Attachment 30, at 6:00 – 6:04.

¹⁷ Ibid., at 6:45.

¹⁸ BWC assigned to James Palarczyk, Recorded on 12/27/2019 at 14:40, 00:35 - 01:23 timestamp, accessed from Evidence.com on 4/18/2024.

¹⁹ Attachment 20, p. 2.

²⁰ Attachment 3; Attachment 17; Attachment 20; Attachment 26.

²¹ Attachment 30, at 7:23 – 11:41.

²² Attachment 17, p. 6 – 7.

²³ Attachments 1 – 4.

here.”²⁴ Following the incident, Officer McDonald describes the events to a group of unidentified CPD members by stating, “I had to do what I had to do at that point. My partner, man—it was like two on fucking six, man. I was throwing—I started knocking motherfuckers out at that point. I’m like, ‘Fuck.’ Mace and then I was like ‘Fuck it—pop’ [making punching motion with closed fist]. I hit mommas and everybody. Don’t fucking fight the police. All bets are off when you fight me and my partner.”²⁵

On November 5, 2023, COPA determined that Log #2021-0002050 met its criteria for closure under its Timeliness Initiative and placed this investigation in an NDC status.²⁶ A Non-Disciplinary Closure memorandum is included in the investigative file. In COPA’s NDC memorandum, it states that upon evaluation of the investigative file “for potentially viable allegations,” a discovery of “potentially viable allegations” pre-determined by the agency would disqualify an investigation for NDC. COPA lists allegations concerning unjustified uses of force against a restrained individual as among those that would disqualify an investigation for NDC.²⁷ COPA’s website further clarifies, “Although not an absolute disqualification, Review Staff also considered whether potentially viable allegations involved vulnerable individuals, including juveniles, the elderly, and disabled individuals.”²⁸

COPA has identified eligibility criteria for cases to be closed in its NDC status. OIG does not comment, here, on the sufficiency of those criteria; notably, however, this case involves allegations of use of force against a restrained individual, specifically a juvenile, and therefore does not meet COPA’s own criteria. Based on OIG’s preliminary review, and without taking any position on any other aspect of the investigation, OIG recommends that COPA reopen this investigation, investigate appropriate allegations, and close the matter in accordance with policy.

Please contact Chief Investigative Analyst LaDonna Candia-Flanagan at lcandia-flanagan@igchicago.org or (773) 478-5614 with any questions. Please send your response to this recommendation within the time allowed by MCC § 2-56-245. OIG will consider a failure to respond in the time permitted by ordinance to be a declination of our recommendation. OIG looks forward to COPA’s response and recommends that COPA incorporate this letter and its response into the electronic case file to provide for a complete record.

Respectfully,



Tobara Richardson
Deputy Inspector General for Public Safety
Office of Inspector General

cc: Deborah Witzburg, Inspector General, OIG
Samuel Chae, Associate General Counsel for Public Safety, OIG
LaDonna Candia-Flanagan, Chief Investigative Analyst for Public Safety, OIG

²⁴ Attachment 30, at 8:12 – 9:04.

²⁵ Attachment 30, at 15:42 – 15:53.

²⁶ Note: CO-1348136.

²⁷ Attachment 34, p. 3.

²⁸ COPA’s Timeliness Initiative, Accessed April 17, 2024,
<https://www.chicagocopa.org/investigations/timeliness-initiative/>

Robin Murphy, General Counsel, COPA
Angela Snell, Chief Investigative Law Officer, COPA
Yolanda Talley, Chief, Bureau of Internal Affairs, CPD

Appendix B | Department Response



RE: Recommendation to Reopen Log #2021-0002050

From Angela Snell <Angela.Snell@chicagocopa.org>

Date Tue 2/11/2025 10:41 AM

To LaDonna Candia-Flanagan <lcandia-flanagan@igchicago.org>; Andrea Kersten <Andrea.Kersten@chicagocopa.org>

Cc Robin Murphy <Robin.Murphy@chicagocopa.org>; Tobar Richardson <trichardson@igchicago.org>; Deborah Witzburg <dwitzburg@igchicago.org>; Samuel Chae <schae@igchicago.org>

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Good morning, COPA agrees to reopen this log number. Please let me know of any questions.

Best,

Angie Snell (she/they)
Assistant General Counsel
Civilian Office of Police Accountability (COPA)
1615 W. Chicago Ave.
Chicago, IL 60622
Office: 312-746-0186
Cell: 312-965-2025

From: LaDonna Candia-Flanagan <lcandia-flanagan@igchicago.org>

Sent: Tuesday, December 10, 2024 2:07 PM

To: Andrea Kersten <Andrea.Kersten@chicagocopa.org>

Cc: Angela Snell <Angela.Snell@chicagocopa.org>; Robin Murphy <Robin.Murphy@chicagocopa.org>; Tobar Richardson <trichardson@igchicago.org>; Deborah Witzburg <dWitzburg@igchicago.org>; Samuel Chae <schae@igchicago.org>

Subject: Recommendation to Reopen Log #2021-0002050

[Warning: External email]

Dear Chief Administrator Kersten:

On behalf of Deputy Inspector General Tobar Richardson, please find attached to this email a recommendation to reopen Log #2021-0002050. Please acknowledge your receipt of this correspondence and let me know if you have any questions.

LaDonna Candia-Flanagan

Chief Investigative Analyst-Public Safety

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LaDonna Candia-Flanagan

Chief Investigative Analyst for Public Safety

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For further information about this report, please contact the City of Chicago Office of Inspector General, 231 S. LaSalle Street, 12th Floor, Chicago, Illinois 60604 or visit our website at igchicago.org.

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