

**BEFORE A MEMBER OF THE POLICE BOARD
OF THE CITY OF CHICAGO**

IN THE MATTER OF THE)	
RECOMMENDATION FOR DISCIPLINE OF)	No. 24 RR 03
FIELD TRAINING OFFICER JOHN DALCASON,)	
STAR No. 5392, DEPARTMENT OF POLICE,)	(CR No. 2023-0920)
CITY OF CHICAGO.)	

REQUEST FOR REVIEW

On May 17, 2024, the Executive Director of the Police Board of the City of Chicago received from the Chief Administrator of the Civilian Office of Police Accountability (COPA) a request for review of the Chief Administrator’s recommendation for discipline of Field Training Officer John Dalcason, Star No. 5392, arising out of the investigation of Complaint Register No. 2023-0920 (“Request for Review”).

The investigation stems from an incident on March 5, 2023, in the 005th Police District. According to COPA’s Final Summary Report, Officer Dalcason was working alone in his patrol vehicle, driving near the vicinity of 115 East 111th Street, when he received a notice via radio broadcast that there was a report of a suspicious person potentially carrying a concealed firearm in the area. Officer Dalcason parked near the sidewalk where [K.R.] and a female were walking. Officer Dalcason exited his vehicle and stopped [K.R.], who was compliant at first but became increasingly resistant. Officer Dalcason used force against [K.R.] and a struggle began. Following the conclusion of COPA’s investigation, the Chief Administrator issued a recommendation for discipline of Officer Dalcason pertaining to one aspect of this physical encounter: the officer’s use of a direct mechanical strike (i.e., punch) to [K.R.]’s face. The Superintendent of Police did not agree with the Chief Administrator’s recommendation, believed that Officer Dalcason’s use of a closed fist punch complied with CPD’s general orders, and

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proposed less severe discipline pertaining to the officer's use of profanity during the encounter.

The Chief Administrator recommended that the following allegations against Officer Dalcason be *Sustained*:

On or about on or about March 5, 2023, at approximately 10:20 a.m., at or near 115 East 111th Street in Chicago, Officer Dalcason:

3. Punched [K.R.] without justification; and
4. Directed profanity at a member of the public.

The Chief Administrator recommended that Officer Dalcason be suspended without pay for ninety (90) days. (The Chief Administrator recommended classifying Allegation Nos. 1 and 2 as *Exonerated*.)

The Superintendent disagreed with the Chief Administrator's recommendation for discipline of Officer Dalcason. The Superintendent recommended a finding of *Not Sustained* for Allegation No. 3. The Superintendent agreed with the sustained finding for Allegation No. 4 and proposed that Officer Dalcason be suspended for one (1) day and receive re-training on courtesy and demeanor.

According to the Certificate submitted by the Chief Administrator: (1) the Chief Administrator issued the recommendation for discipline on August 29, 2023; (2) the Chief Administrator received the Superintendent's written response on October 20, 2023; (3) the Chief Administrator's designees met with the Superintendent's designees and concluded their discussion of this matter on May 10, 2024; and (4) the Request for Review was sent via email to the Executive Director of the Police Board on May 17, 2024.

The Executive Director of the Police Board prepared and forwarded the Request for Review file to Steven Block, the member of the Police Board who was selected on a random

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basis, pursuant to Article VI of the Police Board's Rules of Procedure ("Reviewing Member").

The Reviewing Member reviewed the Request for Review pursuant to Section 2-78-130(a)(iii) of the Municipal Code of Chicago and Article VI of the Police Board's Rules of Procedure.

Following his initial review of this matter on May 31, 2024, the Reviewing Member requested, received, and reviewed the body-worn camera (BWC) video recording from the investigative file.

OPINION

Following a thorough review of the Request for Review material, including the BWC video recording, it is my opinion that the Superintendent did not meet his burden to overcome the Chief Administrator's recommendation for discipline. COPA Ordinance, 2-78-130(a)(iii).

The propriety of Officer Dalcason's use of a direct mechanical strike rises and falls on whether, at the time of the strike, [K.R.] was an assailant. An assailant is "a person who is using or threatening the use of force against another person or himself/herself which is likely to cause physical injury." G03-02-01 IV.C. If [K.R.] was an assailant, the punch was proper. G03-02 IV.C. If he was a cooperative person or an active or passive resister, the strike would violate the general orders. COPA contends that at the time of the closed-fist punch [K.R.] was neither an assailant nor a resister, but instead was a cooperative person ("[K.R.] then briefly laid on his back with both hands raised in an apparent gesture of surrender"). May 17, 2024, Letter at 2. The Superintendent contends that [K.R.] was an assailant ("[K.R.] was still kicking [Officer Dalcason] when he struck [K.R.] in the face"). October 17, 2023, Letter at 1.

The BWC video depicts the encounter, including [K.R.] actively resisting and kicking at Officer Dalcason, which no doubt made him an assailant just seconds before the strike in question. The video also shows [K.R.]'s hands in front of his face at the time of the closed hand

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strike. The video does not show [K.R.]’s legs at that moment because of the position of the camera, though Officer Dalcason told COPA that [K.R.] continued to kick him and that is why he used the closed fist strike. The video does, however, show [K.R.] continuing to resist after the closed-fist strike, which provides some support for Officer Dalcason’s version of events. But whether [K.R.] was an assailant at the moment of the punch, which he no doubt was immediately prior, or had suddenly stopped kicking and had become a cooperative person as COPA contends, cannot be resolved now because of the heightened standard imposed on the Superintendent at this point in the proceedings. The video is simply not clear enough to make that determination at this point. That issue would need to be resolved after an evidentiary hearing before either an arbitrator or the Police Board, at which time evidence would be presented as to whether Officer Dalcason’s use of a direct mechanical strike violated CPD’s general orders.

Therefore, pursuant to Section 2-78-130(a)(iii) of the Municipal Code of Chicago, the Chief Administrator’s recommendation for discipline of Field Training Officer John Dalcason, Star No. 5392, shall be deemed accepted by the Superintendent.

DATED AT CHICAGO, COUNTY OF COOK, STATE OF ILLINOIS, THIS 20th DAY OF JUNE 2024.

/s/ STEVEN A. BLOCK
Member
Police Board

Attested by:

/s/ MAX A. CAPRONI
Executive Director
Police Board