

SUMMARY REPORT OF INVESTIGATION¹

I. EXECUTIVE SUMMARY

Date of Incident:	September 20, 2016
Time of Incident:	12:09 p.m.
Location of Incident:	XXXX W. Randolph Street
Date of COPA Notification:	November 10, 2016
Time of COPA Notification:	3:01 p.m.

On 20 September 2016, at approximately 12:15 P.M., Subject 1 was at the location of XXXX W. Randolph (Office for the XXX), protesting. Subject 1 was speaking with another protester when she felt a “burning hit” to her left leg. Subject 1 turned around and observed a black female officer, now known as Officer A, holding her bike near her leg. Subsequently, Subject 1 and Officer A got into a verbal altercation, which led to Subject 1 registering a complaint against Officer A.

II. INVOLVED PARTIES

Involved Officer #1:	Officer A, Star# XXXX, Employee ID# XXXXX, DOA: XX/XX/1998, Officer, Unit XXX, DOB: XX/XX/1970, Female, Black
Subject #1:	Subject 1, DOB: May XX, 1964, Female, Black
Subject #2	Subject 2, Female, Black

III. ALLEGATIONS

Officer	Allegation	Finding
Officer A	1. Intentionally struck Subject 1 on the lower leg with her bicycle tire; and	Unfounded
	2. Intentionally placed her bicycle tire on Subject 1's foot.	Unfounded

IV. APPLICABLE RULES AND LAWS

¹ On September 15, 2017, the Civilian Office of Police Accountability (COPA) replaced the Independent Police Review Authority (IPRA) as the civilian oversight agency of the Chicago Police Department. Therefore, this investigation, which began under IPRA, was transferred to COPA on September 15, 2017, and the recommendation(s) set forth herein are the recommendation(s) of COPA.

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 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.

General Orders

Special Orders

V. INVESTIGATION²**a. Interviews**

According to the **Reporting Party, Subject 1³**, in a statement to COPA on 14 September 2016, Subject 1 said on 20 September 2016 she was marching in a protest near the XXX office. Subject 1 indicated that she and the people involved in the protest had to stop, and she began speaking with the other protesters. At this time, Subject 1 felt a "burning hit" to the lower area of her left leg. Subject 1 turned around and observed a black female officer (Wearing glasses, in full uniform, about 35 YOA, about 140 lbs., now known as Officer A) holding onto a bike near her leg. Subject 1 asked Officer A why she hit her with the bike and Officer A denied hitting her with the bike. During the verbal dispute between Subject 1 and Officer A, Subject 1 said that Officer A put the tire of the bike on Subject 1's foot. Subject 1 asked Officer A to move the bike off her foot, and Officer A said that she did not have the bike on Subject 1's foot. Officer A looked down and saw that the bike was on Subject 1 foot and Officer A moved the bike immediately. During this time, an incident occurred and one of the protesters was arrested, and Subject 1 did not have any other interaction with Officer A. Subject 1 then went to the District Station and registered a complaint with a supervisor (No Further Information). The supervisor requested an ambulance to come to the District Station, and Subject 1 received treatment for her high blood pressure, but she refused to go to the hospital with the paramedics. Subject 1 sustained a bruise near her left knee, and she received medical treatment from her primary care physician.

² COPA conducted a thorough and complete investigation. The following is a summary of the material evidence gathered and relied upon in our analysis.

³ Att. 6

According to the **witness, Subject 2⁴**, in a statement to COPA on 17 October 2017, Subject 2 indicated that on 20 September 2016, she was participating in a protest in the vicinity XXXX W. Randolph. Subject 2 explained that the protest took place at the XXX office and once the protest was finished they began walking back to their original location. As Subject 2 and the other participants began walking back to the original location, the officers, which mostly consisted of officers on their bikes, began forming a semi-circle around them. Subject 2 said they had nowhere to go, at which time the officers approached them with the bikes.

During this time, Subject 2 was having a conversation with one of the other protesters, when she heard Subject 1 yell out “You hit me with the bike.” Subject 2 indicated that she never actually saw the officer (Black female, 5’1”, in her mid 30’s, brown-skinned, medium build) hit Subject 2 with the bike. Subject 2 stated that the officer never responded to Subject 1’s question and shortly after that, one of the protesters, who was trying to find out what happened to Subject 1, was arrested. Subject 2 believed that the arrestee was named “Civilian 1.” Subject 2 indicated that she did not observe anything else that transpired after the arrest of Civilian 1. Subject 2 indicated she and several other protesters (Which included Subject 1) went to the police station to check on Civilian 1. While at the police station Subject 1 registered a complaint. Subject 2 did not observe the injury to Subject 1, but she observed Subject 1 rubbing her leg as if she was uncomfortable.

According to the **Accused, Officer A⁵**, in a statement to COPA on 24 February 2017, on 20 September 2016, at approximately 1215 hours, she was assigned to the Bike Unit. Officer A and the other members of the unit were assigned to ride alongside protesters at the XXX office near XXXX W. Randolph. Officer A described the protest as peaceful. Officer A and the other members of her unit were then told to line their bikes up to keep the protesters from interfering with the traffic.

During this time, one of the protesters, now known as Civilian 1, grabbed Officer B and attempted to pull him off his bike. Officer A immediately dropped her bike and assisted Officer B in detaining Civilian 1. Officer A retrieved her bike and positioned herself back in the line after Civilian 1 was detained. At this time, Subject 1 approached her and accused Officer A of hitting her with the bicycle and rolling over her foot with the tire. Officer A looked down and observed the tire of her bike was barely touching Subject 1’s foot. Subject 1 continued to yell at Officer A, at which time Officer A said, “You’re mad at the wrong person.” Subject 1 walked away from Officer A with no further incident. Subject 1 never observed any injuries to Officer A, and she never complained of any injuries. An unidentified Commander informed Officer A that Subject 1 registered a complaint against her. Officer A denied hitting Subject 1 with her bike and rolling over her foot with the wheel of the bike.

b. Physical Evidence

The **CFD Ambulance Report⁶** indicated that CFD - Unit #XXX responded to the location of XXXX S. Blue Island Avenue (XXXth District), to treat Subject 1. Subject 1 stated that a bicycle

⁴ Att. 39

⁵ Att. 32

⁶ Att. 24

front tire rubbed her on the left side of the lateral lower leg. Subject 1 did not have any pain or deformity. Subject 1 was advised to get evaluated, but she refused. (Att. #24)

The **medical records**⁷ from The Dyer Family Practice for Subject 1, indicated that her chief complaint is that she was hit in her left calf by a bicycle wheel. Subject 1 had a minor bruise on the left calf. Subject 1 informed the hospital staff that her blood pressure was elevated, but her blood pressure was normal by the time of the doctor's visit. The diagnoses were hypertension. (Att. #27)

c. Documentary Evidence

The **Initiation Report**⁸ completed by Sergeant A #XXXX, indicated that the complainant, Subject 1 informed Sergeant A that she was participating in a protest at the location of XXXX W. Randolph when Officer A struck her with a police bike on the left leg. Officer A then ordered Subject 1 to move. Sergeant A called for an ambulance for Subject 1. Subject 1 was treated at the XXXth District by the paramedics, but stated that she would seek medical treatment with her physician. Subject 1 identified Subject 2 and Civilian 2 as witnesses.

The **Arrest Report and Case Report Recorded Under RD# HZ – XXXXXX of Civilian 1**⁹ indicated he was arrested for aggravated battery/peace officer and resisting/ obstructing a peace officer, by Officers B and C. The arrest report did not provide any information related to Subject 1 incident. (Att. #10, 11, 41)

d. Additional Evidence

Attempts¹⁰ were made to contact the witnesses, Civilian 2 and Civilian 1 via letter and telephone calls. The attempts did not garner a response from either Civilian 2 or Civilian 1.

VI. ANALYSIS

The burden of proof COPA must reach for a finding on each allegation is the preponderance of the evidence standard.

It is alleged that Officer A: (1) intentionally struck Subject 1 on the lower leg with her bicycle tire; and (2) intentionally placed her bicycle tire on Subject 1's foot.

a. Allegations 1 & 2: Intentionally struck Subject 1 on the lower leg with her bicycle tire; and intentionally placed her bicycle tire on Subject 1's foot.

Officer A indicated that she did not knowingly hit Subject 1 with her bike or did she intentionally roll over her foot with the wheel of her bike. Officer A did observe the wheel of her

⁷ Att. 27

⁸ Att. 4

⁹ Atts. 10, 11, 41

¹⁰ Atts. 34, 35, 36, 43

bike slightly touching Subject 1's foot, but the wheel was not on her foot. Subject 1 reported that her back was turned to Officer A when the bike struck her and she never actually saw Officer A hit her with the bike. When Subject 1 confronted Officer A about the bike wheel rolling over her foot, Officer A immediately moved the bike off her foot. The witness, Subject 2, heard Subject 1 say that Officer A hit her with the bike, but she did not witness the actual incident. There was no other witnesses or evidence to confirm Subject 1 allegations.

The medical records indicated that Subject 1 had a minor bruise on the left side of her lower left leg. The ambulance report related that the paramedics treated Subject 1 for a bike tire rubbing against her leg, but she had no pain or deformity. Based on the evidence provided, it does not appear that Officer A's actions were intentional or excessive. Therefore, COPA recommends a finding of Unfounded for this allegation.

VII. CONCLUSION

Based on the analysis set forth above, COPA makes the following findings:

Officer	Allegation	Finding
Officer A	1. Intentionally struck Subject 1 on the lower with her bicycle tire; and 2. Intentionally placed her bicycle tire on Subject 1's foot.	Unfounded Unfounded

Approved:

 Deputy Chief Administrator-Chief Investigator A
Deputy Chief Administrator – Chief Investigator

 Date

Appendix A

Assigned Investigative Staff

Squad#:	X
Investigator:	Investigator A
Supervising Investigator:	Supervising Investigator A
Deputy Chief Administrator:	Deputy Chief-Administrator – Chief Investigator A