

SUMMARY REPORT OF INVESTIGATION

I. EXECUTIVE SUMMARY

Date of Incident:	September 7, 2017
Time of Incident:	10:10am
Location of Incident:	XXXX W. Fullerton Ave. Chicago, IL 60647
Date of COPA Notification:	September 15, 2017
Time of COPA Notification:	6:44pm

Complainant Subject 1 alleged he was unlawfully arrested by Chicago Police Officers after calling 911 to report a physical altercation with truck driver Subject 2. The Officers’ investigation revealed that Subject 1 was the aggressor and that he had swung at Subject 2 with a closed fist. There is no evidence that the Officers committed any misconduct.

II. INVOLVED PARTIES

Involved Officer #1:	Officer A, Star #XXXX, Employee ID #XXXX, Appointment Date XXXX, Unit XXX, Male, Hispanic, Birth Date XXXXX.
Involved Officer #2:	Officer B, Star #XXXX, Employee ID #XXXX, Appointment Date XXXX, Unit XXX, Male, Hispanic, XXXXX.
Involved Officer #3:	Officer B, Star #XXXX, Employee ID #XXXX, Appointment Date XXXX, Unit XXX, Male, Hispanic, XXXXX.
Subject #1:	Subject 1, Male, Black, Birth Date XXXX.

III. ALLEGATIONS

Officer	Allegation	Finding
Officer A	1. Unlawfully arrested the Complainant in violation of Rule 1.	Unfounded.
Officer B	1. Unlawfully arrested the Complainant in violation of Rule 1.	Unfounded.
Officer C	1. Unlawfully arrested the Complainant in violation of Rule 1.	Unfounded.

IV. APPLICABLE RULES AND LAWS

Rules

1. Rule 1: Prohibits violation of any law or ordinance.
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Federal Laws

1. United States Constitution, Amendment IV: Prohibits search and seizure without probable cause.

V. INVESTIGATION¹

a. Interviews

In an **interview with COPA**² on September 19, 2017, Subject 1 made the allegations listed above.

b. Digital Evidence

Body-Worn Camera Footage³ (“BWC”) from Officers A, B and C (“the Officers”) is comprehensive and does not depict any misconduct. Rather, the BWC depicts the Officers conducting a thorough preliminary investigation resulting in sufficient probable cause to effect Subject 1’s arrest. The BWC shows Officers interviewed Subject 1, Subject 2, Civilian 1, and Civilian 2 at XXXX W. Fullerton Ave. Subject 1 told Officers that at XXXX S. Ruble St., he and Subject 2 were involved in a traffic dispute where Subject 2 punched Subject 1 in the mouth without provocation. Subject 2 told Officers that Subject 1 swung at him with a closed fist and missed, after which Subject 2 punched Subject 1 in the mouth. Subject 2 also told officers that Subject 1 had claimed that he had a gun and had also claimed that he was a police officer.⁴ Civilian 1 and Civilian 2 told Officers they witnessed Subject 1 swing at Subject 2 first. Civilian 2 also told Officers he thought he heard Subject 1 tell Subject 1 he would shoot him. After interviewing the above parties, Officers consulted with Seargent A, who recommended Subject 1 be arrested on charges of Assault and False Personation of a Peace Officer. Officers subsequently handcuffed Subject 1 and seated him in the rear of a squadrol without incident.

c. Documentary Evidence

¹ COPA conducted a thorough and complete investigation. The following is a summary of the material evidence gathered and relied upon in our analysis.

² Att. 11

³ Att. 24

⁴ BWC shows Subject 1 was lawfully carrying a concealed firearm on his person. The firearm was secured by Officers shortly after arriving on scene.

The **Case Supplementary Report for XXXXX**,⁵ authored by Detective A, details the investigation into the incident, including summaries of interviews with Subject 1, Subject 2, Civilian 1, and Civilian 2. These parties recounted substantially the same facts to Detective A as reported to the Officers on the BWC. The Report indicates that felony charges were declined by Assistant State’s Attorney A, and that Subject 1 was ultimately charged with Assault.

A **Misdemeanor Complaint**⁶ alleging that Subject 1 attempted to strike Subject 1 with a closed fist was sworn to and signed by Subject 2 on September 7, 2017. The Complaint was filed in the Circuit Court of Cook County on September 18, 2017 and is the charging document for Cook County case number XXXXXX, which, at the time of this report, has no final disposition.

VI. ANALYSIS

COPA recommends a finding of UNFOUNDED for all allegations against the Officers. A peace officer may arrest a person when he has reasonable grounds to believe that the person has committed an offense.⁷ Here, Officers were informed by Subject 2, Civilian 1, and Civilian 2 that Subject 1 had swung at Subject 2 first, and Subject 2 signed a sworn criminal complaint against Subject 1 for Assault. Accordingly, Subject 1’s arrest was reasonable and lawful. Because the allegations are clearly unfounded, it is not necessary that the Officers address them in any way.

VII. CONCLUSION

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

Officer	Allegation	Finding
Officer A	1. Unlawfully arrested the Complainant in violation of Rule 1.	Unfounded.
Officer B	1. Unlawfully arrested the Complainant in violation of Rule 1.	Unfounded.
Officer C	1. Unlawfully arrested the Complainant in violation of Rule 1.	Unfounded.

Approved:

Deputy Chief Administrator – Chief Investigator A

 Date

⁵ Att. 5

⁶ Att. 29

⁷ 725 ILCS 5/107-2(1)(c)

Appendix A

Assigned Investigative Staff

Squad#:	XX
Investigator:	Investigator A
Supervising Investigator:	Supervising Investigator A
Deputy Chief Administrator:	Deputy Chief Administrator A