

**SUMMARY REPORT OF INVESTIGATION<sup>1</sup>**

**I. EXECUTIVE SUMMARY**

Date of Incident:	September 01, 2015
Time of Incident:	2:24 a.m.
Location of Incident:	XXXX N. Halsted Street
Date of COPA Notification:	September 02, 2015
Time of COPA Notification:	11:29 a.m.

On September 01, 2016, at approximately 2:24 a.m., in the vicinity of XXXX N. Halsted, Subject 1 was asked to leave XXXXXXXX Nightclub because he got into an altercation with another patron, but he refused. Officers A and B arrived on the scene and ran Subject 1’s name. Subject 1 left the premises without being arrested. About 15 minutes later Subject 1 returned and alleged that he left his phone inside the club. Subject 1 was not allowed back into the facility, and he then and threatened the security guards and the staff members. Officers A and B were flagged down by the manager of the club, Civilian 1 and placed Subject 1 into custody. Subject 1 alleges that Officer A struck and verbally abused him. COPA recommends these allegations be Unfounded.

**II. INVOLVED PARTIES**

Involved Officer #1:	Officer A <sup>2</sup> , Star# XXXX, Employee ID# XXXX, DOA: XX/XX/2003, Officer, Unit XXX, DOB: XX/XX/ 1980, Female, White
Subject #1:	Subject 1, DOB: August 18, 1984, Male, Black
Witness #1:	Civilian 1, DOB: November 1989, Male, White

**III. ALLEGATIONS**

<b>Officer</b>	<b>Allegation</b>	<b>Finding</b>
Officer A	1. Struck Subject 1 on the back.	Unfounded

<sup>1</sup> 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.

<sup>2</sup> At the time of the incident, Officer A’s name was Officer A.

2. Called Subject 1 a “gay ass [REDACTED] and stated, “I’m going to beat your [REDACTED] ass.”	Unfounded
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#### IV. APPLICABLE RULES AND LAWS

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##### Rules

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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: Engage in any unjustified verbal or physical altercation with any person, while on or off duty.

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##### General Orders

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General Order G03-02-01: The Use of Force Model

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##### Special Orders

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Special Order 08-01-01, section II, item C-10

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##### State Laws

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720 ILCS 5.0/21-3-A-2: Criminal Trespass To Land Class B – Type M

#### V. INVESTIGATION<sup>3</sup>

##### a. Interviews

**COPA interviewed the Witness, Civilian 1<sup>4</sup>** on September 11, 2015. Civilian 1 stated that on September 1, 2015, at approximately 2:40 a.m., he observed the police outside of XXXXXXXX Night Club addressing an altercation between patrons. Civilian 1 indicated one of the individuals involved in the incident was Subject 1. Subject 1 was told to leave the location, but he refused. Subject 1 was belligerent and uncooperative with the officers. Civilian 1 related the officers approached Subject 1 and escorted him to the squad car, where they handcuffed him. The officers ran a name check on Subject 1, and when it cleared, Subject 1 was released, and he left the area.

According to Civilian 1, approximately 15 minutes later, Subject 1 returned and claimed he left his phone inside the club. Civilian 1 would not allow Subject 1 back into the club, at which

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<sup>3</sup> COPA conducted a thorough and complete investigation. The following is a summary of the material evidence gathered and relied upon in our analysis.

<sup>4</sup> Att. 09 – Civilian 1 is the Manager of XXXXXXXX Night Club.

time Subject 1 began verbally assaulting and threatening him and the security staff with physical harm. Civilian 1 observed the same officers from earlier driving nearby, and he waved them down. Civilian 1 told the officers that Subject 1 was making threats against him and his staff and refused to leave the area. The officers pulled over and instructed Subject 1 to stop as he walked away from the area. The officers approached Subject 1 and attempted to handcuff Subject 1, during this time Subject 1 resisted by flailing his arms. Civilian 1 observed one of the officers restrain Subject 1 as the other handcuffed him. Civilian 1 indicated that he did not observe the arresting officers physically abuse Subject 1 in any manner.

**Attempts to interview Subject 1**<sup>5</sup>, via personal visit and telephone call, were met with negative results.

#### **b. Digital Evidence**

The **video footage**<sup>6</sup> from XXXXXXXX Nightclub did not depict any video footage from the incident that occurred on September 01, 2015, at 2:24 A.M.

#### **c. Documentary Evidence**

The **arrest report of Subject 1**<sup>7</sup> indicated he was arrested for criminal trespass to land, by Officers A and B. The narrative of the report indicated that the arresting officers were waved down by a Civilian 1, who works for “Firm XXXXXXXX.” Civilian 1 reported that Subject 1 was told to leave the premises several times and he was not allowed back inside. Subject 1 returned several times after being told he was not allowed there. The officers arrested Subject 1 on signed complaints by Civilian 1.

The **case report**<sup>8</sup> related in essence the same information as the arrest report.

## **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) struck Subject 1 on the back; and (2) Called Subject 1 a “gay ass [REDACTED] and stated “I’m going to beat your [REDACTED]

COPA recommends a finding of **Unfounded**, that Officer A struck Subject 1 on the back and called him a “gay ass [REDACTED] and stated, “I’m going to beat your [REDACTED] ass.” The complainant, Subject 1, failed to cooperate with the investigation. The witness, Civilian 1, indicated that he was the person that flagged the police down because Subject 1 refused to leave the area upon request.

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<sup>5</sup> Atts. 20, 21

<sup>6</sup> Att. 18, 19

<sup>7</sup> Att. 4

<sup>8</sup> Att. 6

Civilian 1 further related Subject 1 threatened him and his staff members at “XXXXXXX Night Club.” According to Civilian 1, he observed the entire arrest and never observed the officers physically or verbally abuse Subject 1, even though Subject 1 agitated the situation by flailing his arms and resisting the officers. There were no other witnesses to the incident.

Based on the evidence, COPA recommend that this investigation be terminated without any other reports or statements from involved officers. COPA also recommend that the allegations against Officer A be **Unfounded**.

**VII. CONCLUSION**

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

<b>Officer</b>	<b>Allegation</b>	<b>Finding</b>
Officer A	1. Struck Subject 1 on the back; 2. Called Subject 1 a “gay ass [REDACTED] and stated “I’m going to beat your [REDACTED] ass.	Unfounded  Unfounded

Approved:

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 Acting Deputy Chief Administrator  
 Acting Deputy Chief Administrator A

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 Date

Appendix A

Assigned Investigative Staff

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<b>Squad#:</b>	XX
<b>Investigator:</b>	COPA Investigator A
<b>Supervising Investigator:</b>	COPA Supervising Investigator A
<b>Acting Deputy Chief Administrator:</b>	Acting Deputy Chief Administrator A