

SUMMARY REPORT OF INVESTIGATION¹

I. EXECUTIVE SUMMARY

Date of Incident:	February 6, 2016
Time of Incident:	2:00am
Location of Incident:	XXXX W. Grand Ave., Chicago, IL XXXXX (XXXth District)
Date of COPA Notification:	February 6, 2016
Time of COPA Notification:	4:30pm

While out at dinner with her boyfriend (Involved Civilian 2) and her sister (Involved Civilian 3), Involved Civilian 1 consumed several beers. After dinner, Involved Civilian 3 left Involved Civilian 1 and Involved Civilian 2 the bar. Involved Civilian 1 was concerned that Involved Civilian 3 left with an unknown male and contacted 911 several times to report her missing. Involved Civilian 1 was directed by the 911 operator to go to a police district station for a report. Involved Civilian 1 and Involved Civilian 2 went to the XXXth District Station (District) to complete a missing person report.

Upon arrival at the District, Involved Civilian 1 spoke with Officer A and explained that she was left at a bar by her sister. While speaking to Officer A, Involved Civilian 1 admitted to consuming alcohol and driving a vehicle to the District. Based on this admission, her combative demeanor, and the odor of an alcoholic beverage on her breath, Involved Civilian 1 was arrested for DUI and escorted to Lockup for processing.² While in Lockup, Involved Civilian 1 was combative and refused to cooperate with attempts by officers to search her. Involved Civilian 1 was restrained by Officers A and C, and Detention Aide A.

On the same day of her arrest, Involved Civilian 1 contacted COPA and made the allegations detailed below.

II. INVOLVED PARTIES

Involved Officer #1:	Officer A Star #XXXX / Employee ID#XXXXX Date of Appointment: XXXXXXXX X, 1996 Unit: XXX
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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. Thus, this investigation, which began under IPRA, was transferred to COPA on September 15, 2017, and the recommendations set forth herein are the recommendations of COPA. In the interest of clarity, all investigative actions documented in this report will be attributed to COPA.

² Involved Civilian 1 was charged under 625 ILCS 5/11-501(A)(2) which prohibits operation of a motor vehicle while under the influence of alcohol and does not specify a BAC limit.

	Date of Birth: XXXXXXXX X, 1962 Female / Hispanic
Involved Individual #1:	Involved Civilian 1 Date of Birth: XXXXXX XX, 1991 Female / Hispanic

III. ALLEGATIONS

Officer	Allegation	Finding / Recommendation
Officer A	1. Failed to provide her star number to Involved Civilian 1, in violation of Rule 37.	Unfounded.
	2. Threatened to arrest Involved Civilian 1 for aggravated battery without probable cause, in violation of Rule 8.	Not Sustained.
	3. Arrested Involved Civilian 1 for driving under the influence without probable cause, in violation of Rule 1.	Unfounded.
	4. Grabbed and/or pulled Involved Civilian 1 by her hair, in violation of Rule 8.	Unfounded.
	5. Struck Involved Civilian 1's head against a wall, door, and/or bench, in violation of Rule 8.	Unfounded.
	6. Forced Involved Civilian 1 to the floor, in violation of Rule 8.	Unfounded.
	7. Pushed Involved Civilian 1's face into the floor, in violation of Rule 8.	Unfounded.
	8. Called Involved Civilian 1 a "bitch," in violation of Rule 8.	Unfounded.

IV. APPLICABLE RULES AND LAWS

Rules

1. Rule 1: Prohibits violation of any law or ordinance.
 2. Rule 8: Prohibits disrespect to or maltreatment of any person, while on or off duty.
 3. Rule 37: Prohibits failure of a member, whether on or off duty, to correctly identify himself by giving his name, rank, and star number when so requested by other members of the Department or by a private citizen.
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Federal Laws

1. United States Constitution, Amendment IV.
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V. INVESTIGATION³

a. Interviews

In a **statement to COPA**⁴ on February 6, 2016, **Involved Civilian 1** stated that Involved Civilian 2, Involved Civilian 3, and she were out having dinner and drinks, and they were dancing. Involved Civilian 1 admitted she consumed three to four twelve-ounce bottles of Heineken beer.⁵ When the restaurant closed, Involved Civilian 3 got into a vehicle with an unknown male, and they drove away. Involved Civilian 1 did not know if her sister had gone willingly, so Involved Civilian 1 and Involved Civilian 2 followed the vehicle in their car for several blocks but stopped when the unknown male drove through a red light. Involved Civilian 1 made several calls to 911 and provided the dispatcher with a description and the license plate number of the vehicle.

Involved Civilian 1 and Involved Civilian 2 then drove to the District where they went to the Front Desk and Involved Civilian 1 told Officer A that she wanted to report Involved Civilian 3 missing. Officer A said there was nothing she could do, and Involved Civilian 1 should not be concerned about her adult sister leaving her at a bar. Involved Civilian 1 asked Officer A for documentation showing she had reported her sister missing; however, Officer A refused. Involved Civilian 1 then asked for her star number, which Officer A told Involved Civilian 1 she did not need to know. Involved Civilian 1 described Officer A as agitated and stated she felt mistreated by the way Officer A spoke to her. Involved Civilian 1 admitted that she used a loud tone of voice; however, denied using profanity or making any threats. Involved Civilian 1 stated she made a video recording on her phone of the conversation with Officer A, and that she told Officer A she would make a scene and call the news.⁶ At some point during the exchange, Officer A told Involved Civilian 1 she was going to be arrested for aggravated battery. Involved Civilian 1 denied doing anything that would warrant a charge for aggravated battery.

Involved Civilian 1 asked a male officer (Officer B) for his star number, which he provided. Involved Civilian 1 admitted to Officers B and A that she had been drinking and told them she had

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

⁴ Att. 6.

⁵ Relevant portion at 21:22 of Att. 6.

⁶ Despite requests for the video, Involved Civilian 1 never provided any video to COPA.

driven to the District.⁷ Officers B and A came around from behind the desk, Officer A handcuffed Involved Civilian 1 from behind, and, along with four other officers, took her into the back, where Officer A forced her into a room that was “not a normal cell” and subjected Involved Civilian 1 to the physical and verbal maltreatment described in the allegations above. The handcuffs were removed, and Involved Civilian 1 was locked in the cell. Involved Civilian 1 indicated that she did not see Officer A again. Involved Civilian 1 described the room as having a door with a window, three beds, and a toilet and sink in the corner.

Later, Officer B entered the cell with paperwork that he read aloud to her. Involved Civilian 1 did not pay attention, and Officer B left. Shortly after, Involved Civilian 1 refused Officer B’s request for her to take a breathalyzer. While being fingerprinted, Involved Civilian 1 told two unidentified female officers that she had been mistreated by Officer A and showed them marks and bruises on her body; Involved Civilian 1 was advised to speak to a sergeant. Involved Civilian 1 said the first time she was told why she had been arrested was when she was being fingerprinted. After being released, Involved Civilian 1 spoke with Sergeant A, who documented her allegations and directed an Evidence Technician to photograph her injuries. Involved Civilian 1 told COPA she intended to seek medical treatment and would keep COPA informed.⁸

In a **statement to COPA**⁹ on February 6, 2016, **Involved Civilian 2** provided substantially the same information as Involved Civilian 1 regarding the circumstances that brought Involved Civilian 1 and him to the District. Involved Civilian 2 stated that he drove to the District. Involved Civilian 2 remarked that inside the District, Involved Civilian 1 was loud and that he attempted to calm her. Involved Civilian 2 added that Involved Civilian 1 was not so loud that she should have been arrested. Involved Civilian 2 confirmed that Involved Civilian 1 admitted to Officer A that she had driven to the District.¹⁰ Involved Civilian 2 informed COPA that he in fact drove to the District but was clear that he never disclosed that information to any of the officers who interacted with Involved Civilian 1. Involved Civilian 2 recounted that Officer A had her star and name prominently displayed and gave Involved Civilian 1 this information when Involved Civilian 1 requested it.¹¹ Involved Civilian 2 was clear that once Involved Civilian 1 was escorted to Lockup he did not witness any interactions between Involved Civilian 1 and Officer A. Involved Civilian 2 advised he checked his phone for the recording Involved Civilian 1 mentioned in her statement; however, he could not locate the recording.

In a **statement to COPA**¹² on November 27, 2017, **Accused Officer A** stated she was assigned to the Front Desk of the District, when Involved Civilian 1 entered and complained she had been left at the bar by Involved Civilian 3. Officer A recounted that Involved Civilian 1 was screaming and yelling, but she never requested to have any report completed. Officer A recalled Involved Civilian 1 was intoxicated, and she based that observation on Involved Civilian 1’ demeanor, the odor of alcohol on her breath, and Involved Civilian 1’ admission that she had just left a bar. Officer A asked if Involved Civilian 2 drove to the District, and Involved Civilian 1

⁷ Relevant portions from 36:49 to 38:09 of Att. 6.

⁸ Involved Civilian 1 never contacted COPA regarding any medical treatment.

⁹ Att. 10.

¹⁰ Relevant portions at 08:48 of Att. 10.

¹¹ Relevant portion at 10:46 and 19:53 to 20:15 of Att. 10.

¹² Att. 36.

stated she had driven to the District. After Involved Civilian 1' admission, she was handcuffed and became even more upset. Officers A, B, and C assisted in escorting Involved Civilian 1 to a non-public area of the District.¹³ Officer A recalled numerous officers following Involved Civilian 1 because of her demeanor. Officer A was clear that she never entered any confined room with Involved Civilian 1 but recalled that she had to physically restrain Involved Civilian 1 in Lockup because she refused to be searched and remove her shoes. Officer A recalled Involved Civilian 1 flailing her arms, kicking, and screaming. Officer A recounted that with the assistance of Officer C and Detention Aide A she was able to restrain Involved Civilian 1. Officer A explained that she and Officer C each gained control of one of Involved Civilian 1' arms and sat her on a bench while Detention Aide A removed her shoes and completed a search. Officer A estimated the amount of time it took to restrain Involved Civilian 1 was five to ten minutes. Officer Involved Civilian 1 did not observe any injuries to Involved Civilian 1 during the encounter.

Officer A explained that she could not recall if Involved Civilian 1 requested her star number but explained that when her star number or name is requested she points to both which are displayed on her uniform. Officer A was clear that she did not arrest Involved Civilian 1 but that Officer B arrested Involved Civilian 1. Officer A denied all the allegations made against her and did not witness any other Department Member engage in any conduct detailed in the allegations.

In a **statement to COPA**¹⁴ on February 7, 2018, **Witness Officer B** stated that he was completing a report at the Front Desk of the District when his attention was drawn to Involved Civilian 1' interaction with Officer A. Officer B recalled Involved Civilian 1 was yelling, using profanity, remarking that she was left by Involved Civilian 3 at a bar, and making incoherent statements. Officer B recounted hearing Involved Civilian 1 admit that she had consumed beers and driven herself to the District. After hearing this admission, Officer B believed Involved Civilian 1 was impaired and began a DUI investigation. During his investigation, Officer B clarified with Involved Civilian 1 how she got to the District. Involved Civilian 1 again admitted to driving herself to the District and Officer B detected an odor of an alcoholic beverage on her breath. Once confirming Involved Civilian 1' admission, Officer B informed her that she was being arrested for DUI and attempted to handcuff her. Involved Civilian 1 pulled away, screamed "no," and sat on the ground; which caused Officers A and C to walk from behind the Front Desk to assist. After slight resistance, Involved Civilian 1 was secured in handcuffs and escorted to the Lockup. Once at Lockup, Officer B transferred custody of Involved Civilian 1 to Officers A and C, and Detention Aide A. Officer B did not observe any injuries to Involved Civilian 1.

Officer B was clear he did not observe Officer A, or any other Department Member engage in any of the alleged conduct. Finally, Officer B never heard any discussion of any interaction with Involved Civilian 1 in Lockup.

In a **statement to COPA**¹⁵ on January 5, 2018, **Witness Detention Aide A** stated she had no recollection of any interaction with Involved Civilian 1. Detention Aide A explained that because she was listed on Involved Civilian 1' Arrest Report as the person who completed the search, it was an indication to her that Involved Civilian 1 was likely brought from a public area

¹³ Officer A could not recall if Involved Civilian 1 was taken to an Interview Room or directly to Lockup.

¹⁴ Att. 47.

¹⁵ Att. 43.

of the District to Lockup because she was being combative or uncooperative. Detention Aide A, added that when an arrest is made in a public area of the District, where the person is combative or uncooperative, officers will assist her in restraining and searching the arrestee. Once the search is completed the arrestee is placed in cell until all the necessary reports are completed. After all the necessary reports are completed the arrestee is finger printed and photographed.

Detention Aide A, did not recall observing or being made aware of Officer A or any other Department Member having a physical confrontation with any arrestee. Detention Aide A, explained that had she observed or been made aware of a physical confrontation, she would have reported the incident the District Station Sergeant in accordance with Department policy.

In a **statement to COPA**¹⁶ on February 2, 2018, **Witness Officer C** stated she was assigned to the Bond Desk at the District when Involved Civilian 1 entered and complained that Involved Civilian 3 left her at the bar. Officer C observed Officer A offer aid to Involved Civilian 1, who was yelling and being disruptive. Involved Civilian 1 was continually repeating that Involved Civilian 3 left her at the bar, slurring her words and was unsteady on her feet. Officer C recalled Involved Civilian 1' admission to consuming beer, Officer B asking Involved Civilian 1 how she arrived at the District, and Involved Civilian 1 admitting that she had driven herself to the District. After making that admission, Officers B and A attempted to handcuff Involved Civilian 1, but she resisted by pulling away. After minimal effort, Involved Civilian 1 was handcuffed, and Officer B escorted Involved Civilian 1 to a non-public area of the District.¹⁷ After hearing Involved Civilian 1 yelling and being uncooperative, Officer C went to Lockup. Once in Lockup, Officer C observed an unrestrained Involved Civilian 1 flailing her arms and legs, while refusing Detention Aide As' attempts to search her. Officer C and Officer A each restrained one of Involved Civilian 1' arms and held her in a seated position on bench so Detention Aide A could remove Involved Civilian 1' jewelry and shoes, and complete a search. Officer C did not observe any injuries to Involved Civilian 1 nor did Involved Civilian 1 complain of any injuries.

Officer C was clear that at no time did she observe Officer A, or any other Department Member engage in any of the alleged conduct.

b. Digital Evidence¹⁸

911 calls¹⁹ detail Involved Civilian 1' inability to determine her location, difficulty answering the Call Taker's questions, and her claim that that Involved Civilian 3 was drunk and left with an unknown male. Additionally, Involved Civilian 1' speech sounded confused and she was argumentative with the Call Taker. Finally, during the calls Involved Civilian 1 never provided the Call Taker with any license plate number or any additional information.

c. Documentary Evidence

¹⁶ As indicated on the record, Officer C elected to provide her statement to COPA without any representation. Att. 46.

¹⁷ Officer C could not recall if Involved Civilian 1 was taken to an Interview Room or Lockup.

¹⁸ COPA requested surveillance footage from the Bureau of Internal Affairs for XXXth District; however, BIA informed COPA that there were not cameras in the XXXth District at the time of this incident. Att. 14.

¹⁹ Atts. 21-24.

Sergeant A's Initiation Report²⁰ details that Involved Civilian 1 went to the District to file a complaint alleging that Officer A arrested her for DUI and “took her into an interview room, grabbed her by the hair, forced her to the ground[,] and pushed her face into the floor.” Involved Civilian 1 showed Sergeant A marks and bruises and he summoned an Evidence Technician to take photographs.

Involved Civilian 1' Arrest Report²¹ details her arrest for DUI. The report lists Officer B as the attesting officer and first arresting officer; Officer A as the second arresting officer; Officer C as one of five assisting arresting officers; and Detention Aide A as the person who searched Involved Civilian 1. The report's narrative section, details that Involved Civilian 1 and Involved Civilian 2 arrived at the District where Involved Civilian 1 stated her sister left her at the club. Involved Civilian 1 is described as “belligerent and cocky[,] yelling for badge numbers” and as having “blood shot[,] glassy eyes, slurred, mumbled, confused speech [...] [with] a strong odor of alcoholic beverage.” The report states Involved Civilian 1, using expletives, admitted to consuming alcohol and driving to the District, and that Involved Civilian 2 confirmed that Involved Civilian 1 had driven. The report states that as officers attempted to place Involved Civilian 1 into handcuffs, she “became hysterical (yelling and screaming) and combative.” The report states that Officer B discovered three open Heineken bottles in Involved Civilian 1' vehicle; that Involved Civilian 1 was not given Standardized Field Sobriety Tests (SFSTs) due to her being combative and uncooperative; and that Involved Civilian 1 subsequently refused a breath test.

Involved Civilian 1' Alcohol/Drug Influence Report²² details her as the driver of a black Chevrolet Carryall. The report indicates Officer B did not witness Involved Civilian 1 driving, that she walked into the District, and the vehicle keys were in Involved Civilian 2's pocket, who is listed as a passenger. The report contains an “observations” checklist where Officer B documented Involved Civilian 1 as having a strong odor of alcoholic beverage on her breath, a cocky and combative attitude, a confused demeanor, slurred and mumbled speech, bloodshot and glassy eyes, and a poor ability to follow instructions. The report indicates “Fighting” as an “unusual action;” that's SFSTs were not offered because Involved Civilian 1 was combative/uncooperative; and that Involved Civilian 1 had no signs or complaint of illness or injury.

A **Law Enforcement Sworn Report**²³ completed by Officer B documents that SFSTs were not offered because Involved Civilian 1 was extremely aggressive. The report indicates Involved Civilian 1 was arrested at 2:10am; an observation period started at 2:25am; the Warnings to Motorist were read at 2:37am; and a breath test was offered and refused at 2:54am. The report shows Involved Civilian 1 was Mirandized at 3:26am and interviewed by Officer B in Lockup until 3:38am, at which time she stopped answering questions.

Photographs²⁴ of Involved Civilian 1 depict bruises to her hands, feet, legs and left arm; redness to both hands and wrists; a scratch on her right knee; and dark hair in a white tissue. Additionally, there are no documented injuries to Involved Civilian 1' head.

²⁰ Att. 4.

²¹ Att. 15.

²² Att. 29.

²³ Att. 29.

²⁴ Att. 18.

VI. ANALYSIS

COPA recommends a finding of **Unfounded** for the allegation that Officer A failed to provide her star number to Involved Civilian 1. Rule 37 requires officers to provide their star number and name when requested. Here, Officer A denied the allegation and stated that her name and star number were prominently displayed on her uniform. Additionally, Involved Civilian 2 confirmed that Officer A had her name and star number conspicuously displayed on her uniform and even gave them to Involved Civilian 1 when she requested to know Officer A's star number. Based on this information, COPA determined that when Officer A provided her star number and name she complied with Rule 37's requirements.

COPA recommends a finding of **Not Sustained** for the allegation that Officer A threatened to arrest Involved Civilian 1 for aggravated battery without probable cause. COPA was unable to locate any information, other than Involved Civilian 1's statement, that supports the allegation. Additionally, COPA was unable to locate any information, other than Officer A's statement, that refutes the allegation. Therefore, COPA is unable to determine if the alleged conduct occurred.

COPA recommends a finding of **Unfounded** for the allegation that Officer A arrested Involved Civilian 1 for driving under the influence without probable cause. A peace officer may arrest a person when he or she has reasonable grounds to believe that the person has committed an offense.²⁵ Here, it is undisputed that Involved Civilian 1 admitted to Officers A and B that she had driven herself to the District after consuming alcohol. Additionally, Involved Civilian 1's arrest report details that she had blood shot glassy eyes; slurred, mumbled, and confused speech; was belligerent; and had a strong odor of an alcoholic beverage emitting from her person. Based on Involved Civilian 1's admission and the observations of her demeanor detailed in the related reports Officer A had probable cause to believe that Involved Civilian 1 had committed a criminal offense by operating a vehicle while under the influence of alcohol.

COPA recommends a finding of **Unfounded** for the allegation that Officer A grabbed and/or pulled Involved Civilian 1 by her hair; struck Involved Civilian 1's head against a wall, door, and/or bench; forced Involved Civilian 1 to the floor; pushed Involved Civilian 1's face into the floor; and called Involved Civilian 1 a "bitch".

Here, Officer A denied the allegations. Additionally, Officers A and C explained that in Lockup, Involved Civilian 1 was resisting attempts to search and place her in a cell by flailing her arms and kicking. Both Officers A and C recounted restraining Involved Civilian 1's arms and sitting her on a bench so that Detention Aide A could remove Involved Civilian 1's shoes and complete a search. Additionally, Detention Aide A was clear that she did not observe Officer A or any other Department Member engaging in any of the alleged conduct and explained the general practices in Lockup for a resistant or combative arrestee; which were consistent with Officers A and C's explanations of how Involved Civilian 1 was treated in Lockup. Additionally, Officer B recounted that Involved Civilian 1 was uncooperative and resistant during his entire interaction with her. Further, the photographs of Involved Civilian 1's injuries are consistent with her being restrained in Lockup because of her refusal to be searched and lacked any indication that she was

²⁵ *Virginia v. Moore*, 553 U.S. 164 (2008) codified in 725 ILCS 5/107-2(1)(c).

struck in the head. Finally, based on the 911 calls, Involved Civilian 1’s own admission, Involved Civilian 2’s statement, the officers’ observations and statements, and the related reports COPA believes that Involved Civilian 1 was intoxicated and that her intoxication more likely than not impacted her ability to accurately recount the events as they occurred. Based on this information, COPA determined that it is more likely than not that Officer A did not engage in the alleged misconduct and that Involved Civilian 1 may have interpreted Officers A’s and C’s attempts to restrain her as a battery.

VII. CONCLUSION

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

Officer	Allegation	Finding / Recommendation
Officer A	1. Failed to provide her star number to Involved Civilian 1, in violation of Rule 37.	Unfounded.
	2. Threatened to arrest Involved Civilian 1 for aggravated battery without probable cause, in violation of Rule 8.	Not Sustained.
	3. Arrested Involved Civilian 1 for driving under the influence without probable cause, in violation or Rule 1.	Unfounded.
	4. Grabbed and/or pulled Involved Civilian 1 by her hair, in violation of Rule 8.	Unfounded.
	5. Struck Involved Civilian 1’s head against a wall, door, and/or bench, in violation of Rule 8.	Unfounded.
	6. Forced Involved Civilian 1 to the floor, in violation of Rule 8.	Unfounded.
	7. Pushed Involved Civilian 1’s face into the floor, in violation of Rule 8.	Unfounded.
	8. Called Involved Civilian 1 a “bitch”, in violation of Rule 8.	Unfounded.

Approved:

COPA Deputy Chief Administrator – Chief
Investigator
Deputy Chief Administrator – Chief Investigator

Date

Appendix A

Assigned Investigative Staff

Squad#:	X
Investigator:	COPA Investigator
Supervising Investigator:	COPA Supervising Investigator
Deputy Chief Administrator:	COPA Deputy Chief Administrator – Chief Investigator