

SUMMARY REPORT OF INVESTIGATION¹

I. EXECUTIVE SUMMARY

Date of Incident:	March 13, 2016
Time of Incident:	2:17 pm
Location of Incident:	[REDACTED]
Date of COPA Notification:	March 31, 2016
Time of COPA Notification:	11:20 am

On March 13, 2016, at approximately 2:17 pm, [REDACTED] received a phone call informing her that her 16-year-old son [REDACTED] was shot in the vicinity of [REDACTED]. [REDACTED] and her other son, [REDACTED], drove to the area to inquire about the shooting. [REDACTED] entered the crime scene, disregarding orders by Chicago Police Officers, and was subsequently arrested. [REDACTED] alleges that she was pushed to the ground by an Unknown Officer, refused medical attention for an injury to her shoulder, and verbally abused. COPA finds no evidence to support these claims and recommends that a finding of UNFOUNDED for these allegations against any and all Chicago Police Department members, known or unknown.

II. INVOLVED PARTIES

Officer #1	[REDACTED], star# [REDACTED], employee ID# [REDACTED], Date of Appointment [REDACTED], 1998, Police Officer, Unit of Assignment [REDACTED], DOB [REDACTED] 1970, Male, White
Officer #2:	[REDACTED], star# [REDACTED], employee ID# [REDACTED], Date of Appointment [REDACTED] 2005, Police Officer, Unit of Assignment [REDACTED], DOB [REDACTED] 1981, Male, White
Officer #3	[REDACTED], star# [REDACTED], employee ID# [REDACTED], Date of Appointment [REDACTED], 1994, Sergeant, Unit of Assignment [REDACTED], DOB [REDACTED], 1965, Male, White
Individual #1:	[REDACTED] DOB: [REDACTED], 1955, Female, Black

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.

III. ALLEGATIONS

Officer	Allegation	Finding
Unknown Officer	1. The RPV alleges that the accused pushed her to the ground unnecessarily in violation of rules 2 and 9	Unfounded
	2. The RVP alleges the accused verbally abused her in violation of Rules 2 and 8	Unfounded
Unknown Officer	1. The RVP alleges that the accused refused her request for medical attention in violation of Rules 2, 6, and 8	Unfounded

IV. APPLICABLE RULES AND LAWS

Rules

1. Rule 2 - Any action or conduct which impedes the Department's efforts to achieve its policy and goals or brings discredit upon the Department.
2. Rule 6 - Disobedience of an order or directive, whether written or oral.
3. Rule 8 - Disrespect to or maltreatment of any person, while on or off duty.
4. Rule 9 - Engaging in any unjustified verbal or physical altercation with any person, while on or off duty.

General Orders

1. G04-02 – Crime Scene Protection and Processing
2. G03-02-02 – Force Options (2016)

V. INVESTIGATION²**a. Interviews**

The recorded statement of [REDACTED] ("[REDACTED]") was taken on April 4, 2016 at IPRA. [REDACTED] stated that on the day of the incident she received a phone call from an acquaintance that her son ([REDACTED])³ had been shot. [REDACTED] stated that she and her other son ([REDACTED])⁴ arrived shortly after to an address on [REDACTED] Street. [REDACTED] stated that [REDACTED] exited their vehicle and lifted the crime scene tape and walked towards a porch where several Officers were standing to inquire about his brother. [REDACTED] stated that several Officers rushed toward [REDACTED] and said that he was disturbing the investigation. [REDACTED] stated that the same three male white Officers in uniform knocked [REDACTED] down and began wrestling and beating him. [REDACTED] stated that Officer #1 had dark hair, was 5'11" in height, had a medium build, and possibly named [REDACTED]. [REDACTED] stated that Officer #2 had a bald head. [REDACTED] stated that Officer #3 had medium length brown hair. [REDACTED] stated that she pleaded with the Officers to stop because they just wanted to know what happened. [REDACTED] stated that Officer #1 pushed her down and into the mud. [REDACTED] stated that an unknown Sergeant with a grey mustache helped her up by the arm. [REDACTED] stated that she asked the Sergeant why he was allowing the Officers to mistreat her and [REDACTED]. [REDACTED] stated that she threatened to call OPS and returned to her car. [REDACTED] stated that she then asked the supervisor and the three Officers for medical attention. [REDACTED] stated that she attempted to call someone from her car, and several Officers pulled her out by her arm. [REDACTED] stated that she tried to put her phone behind her back, but they took it from her hand. [REDACTED] stated that the Officers then threw her into the back of a wagon. [REDACTED] stated that she repeated her requests for medical attention to the transporting Officers. [REDACTED] stated that she was taken to the [REDACTED] District, and that while at the station, a female Officer searched her while other Officers searched her purse. [REDACTED] stated that several unknown Officers were verbally abusive to her and that she was handcuffed tightly. [REDACTED] stated that she made several demands to be brought to the hospital for her diabetic medicine and kept screaming for a supervisor. [REDACTED] stated that Officer #1 came into the room and stated, "shut the fuck up, if you keep on talking I'm going to give you two felonies and you're going to be in jail for six months." [REDACTED] stated that she began to cry, and she was in fear for her life. [REDACTED] stated that the Watch Commander named "[REDACTED]" or "[REDACTED]" came to talk to her and told the Officers to take the handcuffs off and gave her a cup of water. [REDACTED] stated that she was held at the station for several hours before being fingerprinted and released⁵.

The recorded statement of Sergeant [REDACTED] was taken at COPA on November 14, 2018. Sergeant [REDACTED] stated that on March 13, 2016, he responded to a shooting of a gang member on the [REDACTED] block of [REDACTED] to secure the crime scene and canvass the area. Sergeant [REDACTED] stated that the shooting victim was still on the scene in an ambulance. Sergeant [REDACTED] stated that numerous residents on the block were hostile towards himself and responding Officers. Sergeant [REDACTED] stated that other gang members were present and securing the crime scene was one of the steps to prevent retaliation from rival members. Sergeant [REDACTED] stated that

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. 25; Name obtained from case report under RD# [REDACTED]

⁴ Att. 5; Name obtained from [REDACTED]'s arrest report under CB# [REDACTED]

⁵ Att. 17

the victim's mother was on an adjacent porch and was being interviewed. Sergeant [REDACTED] stated that [REDACTED] entered the crime scene by lifting the tape and was confronted by Officer [REDACTED]. Sergeant [REDACTED] stated that Officer [REDACTED] attempted to have [REDACTED] walk around the scene, but a physical altercation ensued. Sergeant [REDACTED] stated that Officer [REDACTED] attempted to place [REDACTED] into custody, who then became an assailant and emergency takedown procedures were used. Sergeant [REDACTED] stated that as he assisted in the arrest of [REDACTED], [REDACTED] jumped on the back of Officer [REDACTED]. Sergeant [REDACTED] stated that Officer [REDACTED] removed [REDACTED] from Officer [REDACTED]. Sergeant [REDACTED] stated that [REDACTED] returned to her vehicle. Sergeant [REDACTED] stated that after the scene was secured, he approached [REDACTED] and informed her that she was under arrest. Sergeant [REDACTED] stated that [REDACTED] came from her vehicle willingly. Sergeant [REDACTED] stated that he did not recall that any Officer pushed [REDACTED] into a puddle of mud. Sergeant [REDACTED] stated that he did not recall if [REDACTED] complained of an injury to any Officer. Sergeant [REDACTED] stated that she did not appear to be injured, and that he would have requested an ambulance if [REDACTED] had complained of an injury. Sergeant [REDACTED] stated that he did not recall if any Officer threw [REDACTED] into the back of a police vehicle. Sergeant [REDACTED] stated that he had returned to the [REDACTED] District station to complete the paperwork for the arrests and make the proper notifications. Sergeant [REDACTED] stated that he did not have contact with [REDACTED] while in the station⁶.

The **recorded statement of Officer [REDACTED]** was taken at COPA on November 14, 2018. Officer [REDACTED] stated that on the day of the incident, he and Officer [REDACTED] responded to the call to assist Officers at the scene of a person shot on the [REDACTED] block of [REDACTED]. Officer [REDACTED] stated that he heard screaming over the radio. Officer [REDACTED] stated that the victim was taken to the hospital via ambulance. Officer [REDACTED] stated that as he was standing guard on the porch at [REDACTED], he viewed [REDACTED] approaching the crime scene. Officer [REDACTED] stated that [REDACTED] lifted the police tape and entered the crime scene after being ordered numerous times to stay away. Officer [REDACTED] stated that he approached [REDACTED] and repeated the order for him to leave, to which [REDACTED] refused. Officer [REDACTED] stated that he held [REDACTED]'s arm and attempted to escort him from the scene. Officer [REDACTED] stated that [REDACTED] pulled away and came towards him. Officer [REDACTED] stated that he pushed [REDACTED] to keep distance between them in an effort to protect his weapons. Officer [REDACTED] stated that [REDACTED] clenched his fists and took a boxing stance. Officer [REDACTED] stated that he informed [REDACTED] that he was under arrest and attempted to handcuff him, to which [REDACTED] stiffened his body and pulled away. Officer [REDACTED] stated that he used an emergency takedown with Sergeant [REDACTED] assisting in handcuffing. Officer [REDACTED] stated that he felt pressure and dead weight on his back during the struggle with [REDACTED] on the ground and believed it to be another Officer at the time. Officer [REDACTED] stated that once [REDACTED] was secure, he learned that a female jumped onto his back to interfere or defeat the arrest of [REDACTED]. Officer [REDACTED] stated that Sergeant [REDACTED] identified [REDACTED] as the female who jumped onto his back and she was subsequently arrested without incident. Officer [REDACTED] stated that he suffered some stiffness and tightness in his back but did not take any time from work. Officer [REDACTED] stated that he did not witness any Officer push [REDACTED] to the ground, nor pull her by the arm to extract her from the vehicle. Officer [REDACTED] stated that [REDACTED] did not claim an injury, or appear to be injured, and does not recall if she requested medical attention at the scene or inside the station. Officer [REDACTED] stated that [REDACTED] was not forced into the transporting vehicle. Officer [REDACTED] stated that he returned to the [REDACTED] District station to complete the paperwork. Officer [REDACTED]

⁶ Att. 26

stated that he did not witness any Officer being verbally abusive towards [REDACTED]. Officer [REDACTED] denied being verbally abusive but stated that he did have a conversation with [REDACTED] regarding her charges. Officer [REDACTED] stated that he told [REDACTED] that she was lucky that she was not being charged with a felony. Officer [REDACTED] stated that he informed [REDACTED] that he used his discretion in charging her with a misdemeanor and felt it was in [REDACTED]'s best interest given that her son was the victim of a shooting. Officer [REDACTED] stated that the Watch Commander used his discretion and allowed [REDACTED] to be processed along with her son, and post bond from the [REDACTED] District station instead of the [REDACTED] District where female prisoners are usually taken⁷.

The **recorded statement of Officer [REDACTED]** was taken at COPA on November 14, 2018. Officer [REDACTED] stated that a Sergeant had called for an assist to secure a crime scene on [REDACTED] Street in which a juvenile was shot, and that he and Officer [REDACTED] responded. Officer [REDACTED] stated that he assisted in placing the crime scene tape and witnessed [REDACTED] pass the tape and confront Officer [REDACTED]. Officer [REDACTED] stated that he witnessed the confrontation between Officer [REDACTED], Sergeant [REDACTED] and [REDACTED] who were wrestling on the ground, during which [REDACTED] jumped onto the back of Officer [REDACTED]. Officer [REDACTED] stated that he pulled [REDACTED] from the back of Officer [REDACTED] and assisted in handcuffing [REDACTED]. Officer [REDACTED] stated that he did not recall if [REDACTED] made contact with the ground. Officer [REDACTED] stated that [REDACTED] and [REDACTED] were secured and placed in Police vehicles. Officer [REDACTED] stated that he did not see any Officer throw [REDACTED] into the Police vehicle. Officer [REDACTED] stated that he did not recall [REDACTED] being injured or asking for medical attention. Officer [REDACTED] stated that he returned to the [REDACTED] District station and complete the paperwork. Officer [REDACTED] stated that [REDACTED] was secured in an interview room but did not recall if she complained about her handcuffs. Officer [REDACTED] stated that no Officer was verbally abusive towards [REDACTED]. Officer [REDACTED] stated that [REDACTED] was processed and released but did not recall if she was transported to the [REDACTED] District⁸.

b. Physical Evidence

Medical records obtained from [REDACTED] Hospital document [REDACTED] being examined for shoulder strain on March 16, 2016⁹.

c. Documentary Evidence

The Arrest report for [REDACTED] documents, in part, that she jumped onto the back of Officer [REDACTED] and was subsequently arrested and charged with Resisting/Obstruction¹⁰.

The Arrest report for [REDACTED] documents, in part, that he refused to leave a crime scene and was subsequently arrested and charged with Resisting/Obstruction¹¹.

⁷ Att. 27

⁸ Att. 28

⁹ Att. 21

¹⁰ Att. 4

¹¹ Att. 5

A TRR and OBR completed by Officer [REDACTED] for [REDACTED] and [REDACTED] documents, in part, that [REDACTED] was classified as an Assailant, in that she committed Battery against the Officer, and that [REDACTED] was classified as an Assailant, in that he assumed a threatening stance against the Officer. Also documented in the Lieutenant's remarks, [REDACTED] related that she was upset by the incident and may have attempted to talk to the Officers during her son's arrest.¹²

A TRR completed by Officer [REDACTED] for [REDACTED] documents, in part, that the Officer extracted [REDACTED] from the back of Officer [REDACTED]. Also documented in the Lieutenant's remarks, [REDACTED] related that she was upset by the incident and may have attempted to talk to the Officers during her son's arrest¹³.

A TRR and OBR completed by Sergeant [REDACTED] for [REDACTED] documents, in part, that [REDACTED] was classified as an Assailant, in that he assumed a threatening stance against the Sergeant¹⁴.

A Case Report under RD# [REDACTED] documents [REDACTED] as the victim of an Aggravated Battery, and contains a narrative, in part, that states friends and family of the victim surrounded the Officers, and that [REDACTED] was screaming obscenities and instructing the victim to not cooperate with the investigation¹⁵.

VI. ANALYSIS

The standard of proof in administrative cases investigated by COPA is a preponderance of the evidence. A preponderance of evidence can be described as evidence that makes it more likely than not that the alleged misconduct took place. See *Avery v. State Farm Mutual Automobile Insurance Co.*, 216 Ill. 2d 100, 191 (2005) (a proposition is proved by a preponderance of the evidence when it has found to be more probably true than not). If the evidence gathered in an investigation establishes that it is more likely that the misconduct occurred than that it did not occur, even if by a narrow margin, then the standard of proof has been met.

Allegations against Unknown Officer(s)

- a) An Unknown Officer pushed [REDACTED] to the ground.

COPA finds that there is a preponderance of evidence that supports that [REDACTED] did jump onto the back of Officer [REDACTED] prompting Officer [REDACTED] to remove her. According to the Sergeant's and Officer's statements and reports¹⁶, there is corroboration of [REDACTED]'s actions against Officer [REDACTED]. According to the statements, the Sergeant and Officers were already on the ground with [REDACTED] attempting to handcuff him, during which [REDACTED] jumps onto the back of Officer [REDACTED]. Officer [REDACTED] seeing the attack removes [REDACTED]. Given the fact that all parties were already on the ground, it is more likely that [REDACTED] made contact with the ground as

¹² Att. 22

¹³ Att. 23

¹⁴ Att. 24

¹⁵ Att. 25

¹⁶ Atts. 4, 5, 21, 22, 23, 24, 26, 27, 28.

she fell or was removed by Officer [REDACTED] COPA also finds a lack of credibility in [REDACTED]'s statement in that she omitted the cause of her arrest. [REDACTED] implies that her being pushed to the ground was retaliatory for asking the Officer's a question, yet by the Officer's account, [REDACTED] attacked Officer [REDACTED]. In evaluating the use of force, COPA finds that [REDACTED] was an Assailant according to the Force Options order¹⁷, and that Officer [REDACTED]'s actions to remove [REDACTED] from the back of Officer [REDACTED] was not excessive even if this action caused [REDACTED]'s alleged injury. There is also corroboration of the Officer's description of the incident from the Case Report that documented that the Officers were surrounded by a hostile crowd¹⁸.

b) Several Unknown Officers denied [REDACTED] medical attention.

COPA finds that there is not a preponderance of evidence that [REDACTED] requested medical attention. According to the statements of the Sergeant and Officers, [REDACTED] did not make a claim of injury nor request medical attention, and stated that had she made a request, the Sergeant would have been responsible for calling an ambulance. According to [REDACTED]'s arrest report¹⁹, the visual check of the arrestee, arrestee questionnaire, and questionnaire remarks²⁰ make no mention of injury, and [REDACTED]'s only claim of illness is that she is diabetic. [REDACTED] presented IPRA with medical records²¹ describing a shoulder strain, however it is more likely that if the injury did occur, that [REDACTED] received the injury during her attack, or when she made contact with the ground. In addition, the incident occurred on March 13, 2016, and [REDACTED] did not seek medical attention until March 16, 2016.

c) An Unknown Officer was verbally abusive towards [REDACTED]

COPA finds that there is not a preponderance of evidence that [REDACTED] was verbally abused. According to Officer [REDACTED], a similar conversation to what [REDACTED] alleged as abusive was held with her in that she was informed of his discretion to not charge her with a felony, and he denies the allegation that he threatened her with a felony charge. Officer [REDACTED] did not witness any abusive language directed towards [REDACTED]. According to the TRRs completed by the Sergeant and Officers, Lieutenant [REDACTED] interviewed [REDACTED] regarding the use of force during her arrest, which documents that [REDACTED] related to the Lieutenant that she was upset by the incident and may have attempted to talk to the Officers during her son's arrest.

COPA could not ascertain the Officer(s) that [REDACTED] alleged to have pushed her, denied her medical attention, and verbally abused her, however, the only "[REDACTED]" that was present at the incident was Officer [REDACTED]. COPA was unable to establish that any other Officer that responded had a similar name. Given the Sergeant's and Officer's statements, if Officer [REDACTED] was in fact the Officer that [REDACTED] alleged to have committed the referenced misconduct, COPA's finding would remain UNFOUNDED for any and all allegations against known and unknown Members of the Chicago Police Department.

¹⁷ Att. 29

¹⁸ Att. 25

¹⁹ Att. 4

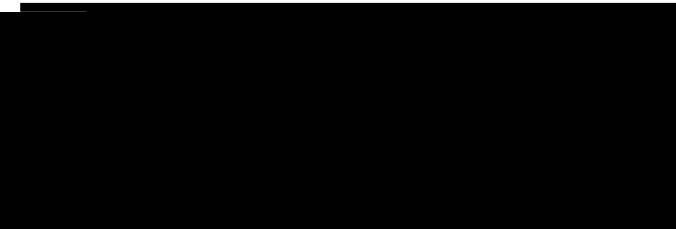
²⁰ Id. Page 4

²¹ Att. 21

VII. CONCLUSION

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

Officer	Allegation	Finding
Unknown Officer	1. The RVP alleges that the accused pushed her to the ground unnecessarily in violation of rules 2 and 9	Unfounded
	2. The RVP alleges the accused verbally abused her in violation of Rules 2 and 8	Unfounded
Unknown Officer	1. The RVP alleges that the accused refused her request for medical attention in violation of Rules 2, 6, and 8	Unfounded



Deputy Chief Administrator – Chief Investigator

1-24-19
Date

Appendix A

Assigned Investigative Staff

Squad#:	[REDACTED]
Major Case Specialist:	[REDACTED]
Supervising Investigator:	[REDACTED]
Deputy Chief Administrator:	[REDACTED]