

SUMMARY REPORT OF INVESTIGATION¹

Date/Time/Location of Incident:	April 3, 2016 / 12:45 PM / [REDACTED] [REDACTED]
Date/Time of COPA Notification:	November 26, 2016 / 12:01 PM
Involved Officer #1:	[REDACTED], Star # [REDACTED], Employee ID # [REDACTED], Date of Appointment: [REDACTED], 2002, Police Officer, [REDACTED] District, DOB: [REDACTED], M, White.
Involved Officer #2:	Officer [REDACTED], Star # [REDACTED], Employee ID # [REDACTED], Date of Appointment: [REDACTED], 2013, Police Officer, [REDACTED] District, DOB: [REDACTED]-74, M, White.
Involved Individual #1:	[REDACTED], 42, Black, [REDACTED] [REDACTED] [REDACTED].
Case Type:	Excessive Force, Handcuffs too tight.

I. ALLEGATIONS

Officer	Allegation	Finding
Officer [REDACTED]	1. Overly tightened [REDACTED] handcuffs during his arrest, causing injury, in violation of Rule 8.	Unfounded.
	2. Spoke rudely to [REDACTED] in violation of Rule 8.	Not Sustained
Officer [REDACTED]	1. Overly tightened [REDACTED] handcuffs during his arrest, causing injury, in violation of Rule 8.	Unfounded.

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.

II. SUMMARY OF EVIDENCE²

On April 3, 2016, Officers [REDACTED] and [REDACTED] were on routine patrol and observed a [REDACTED] driving east on [REDACTED] [REDACTED] with no front license plate, a cracked windshield, and expired city sticker and rear license tag. They stopped the vehicle and the sole occupant, driver [REDACTED], was found to have a suspended license, no liability insurance or proof of ownership. Officers placed [REDACTED] into custody and transported him to the [REDACTED] District for processing.

Mr. [REDACTED] subsequently filed an internet complaint to IPRA and alleged that Officer [REDACTED] spoke rudely and/or insensitively to him, had criticized his diet, and had recommended he burn wood in a trash bin in a female friend's unheated apartment. No injuries were reported at the time, per CPD records, however Mr. [REDACTED] alleged overly-tight handcuffs caused wrist injuries, necessitating surgery.

COPA reviewed all relevant evidence, including the arrest report, original case incident report, event query reports generated by OEMC, medical records obtained from [REDACTED] [REDACTED], and statements by Mr. [REDACTED] and the accused officers. Neither in-car camera, body-worn camera nor OEMC audio was available.

III. LEGAL STANDARD

For each Allegation COPA must make one of the following findings:

1. Sustained - where it is determined the allegation is supported by a preponderance of the evidence;
2. Not Sustained - where it is determined there is insufficient evidence to prove the allegations by a preponderance of the evidence;
3. Unfounded - where it is determined by clear and convincing evidence that an allegation is false or not factual; or
4. Exonerated - where it is determined by clear and convincing evidence that the conduct described in the allegation occurred, but it is lawful and proper.

A **preponderance of evidence** can be described as evidence indicating that it is **more likely than not** that the conduct occurred and violated Department policy. *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, even if by a narrow margin, then the preponderance of the evidence standard is met.

²COPA conducted a full and complete investigation of this matter, including the interview of all pertinent civilian and officer witnesses, and the collection and review of digital, documentary, and forensic evidence. As part of COPA's ongoing efforts to increase case closure capacity, certain cases opened under IPRA are summarized more succinctly in a Modified Summary Report of Investigation, pursuant to COPA Guideline Modified Summary Report of Investigation Template and Approvals, effective February 13, 2019.

Clear and convincing evidence is a higher standard than a preponderance of the evidence but lower than the "beyond-a-reasonable doubt" standard required to convict a person of a criminal offense. See *e.g., People v. Coan*, 2016 IL App (2d) 151036 (2016). Clear and Convincing can be defined as a “degree of proof, which, considering all the evidence in the case, produces the firm and abiding belief that it is highly probable that the proposition . . . is true.” *Id.* at ¶ 28.

IV. ANALYSIS AND CONCLUSION

COPA finds that **Allegation #1** against **Officers** [REDACTED] and [REDACTED] are Unfounded. Mr. [REDACTED] sought treatment for his wrist pain/tingling on May 2, 2016. The medical records clearly document that Mr. [REDACTED] previously sought treatment for carpal tunnel syndrome and wrist pain/tingling prior to his arrest on 03, April 2016. The medical records further do not document that he reported his wrist issues were caused by being handcuffed too tightly, but instead that they developed the prior year. Therefore, COPA finds that these allegations should be Unfounded.

COPA finds that **Allegation #2** against **Officer** [REDACTED] is Not Sustained. Officer [REDACTED] denied the allegation, but also reported that he did not have any independent recollections of the arrest. There is not enough evidence to determine whether or not these statements were made, because there were no digital recordings or third parties to help determine what occurred.

Approved:

[REDACTED]

4-4-19

[REDACTED]

Date

Deputy Chief Administrator – Chief Investigator

Appendix A

Assigned Investigative Staff

Squad#:	[REDACTED]
Investigator:	[REDACTED]
Supervising Investigator:	[REDACTED]
Deputy Chief Administrator:	[REDACTED]

