

SUMMARY REPORT OF INVESTIGATION¹

Date/Time/Location of Incident:	September 24, 2014/Approximately 5 PM/7900 S. Ingleside Avenue
Date/Time of COPA Notification:	February 17, 2016/12:58 PM
Involved Officer #1:	██████████ Star # ██████ Employee # ██████ Date of Appointment: ██████ 2013, Police Officer, Unit of Assignment: ██████ Date of Birth: ██████ 1986, Male, White
Involved Officer #2:	██████████ Star # ██████ Employee # ██████ Date of Appointment: ██████ 2013, Police Officer, Unit of Assignment: ██████ Date of Birth: ██████ 1984, Male, Hispanic
Involved Officer #3:	██████████ Star # ██████ Employee # ██████ Date of Appointment: ██████ 2013, Police Officer, Unit of Assignment: ██████ Date of Birth: ██████ 1988, Male, White
Involved Officer #4:	██████████ ██████████, Star # ██████ Employee # ██████ Date of Appointment: ██████ 2013, Police Officer, Unit of Assignment: ██████ Date of Birth: ██████ 1988, Female, White
Involved Individual #1:	██████████ Date of Birth: ██████ 1959, Male, Black
Case Type:	Excessive Force

I. ALLEGATIONS

Officer	Allegation	Finding
Officer ██████████ ██████████	1. Used excessive force when he grabbed ██████████ ██████████ about the body, in violation of Rules 2, 3, 6, 8, and 9	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.

² Officer ██████████ has since been promoted to detective with star number ██████████

³ Formerly known as ██████████

Officer ██████████ ██████████	1. Used excessive force when he grabbed ██████████ ██████████ about the body, in violation of Rules 2, 3, 6, 8, and 9	Not Sustained
Officer ██████████ ██████████	Used excessive force: 1. when he grabbed ██████████ about the body; 2. when he performed a take down on ██████████ 3. when he used open hand strikes on ██████████ and 4. when he performed knee strikes on ██████████ in violation of Rules 2, 3, 6, 8, and 9	Not Sustained
Officer ██████████ ██████████	1. Used excessive force when she grabbed ██████████ ██████████ about the body, in violation of Rules 2, 3, 6, 8, and 9	Not Sustained

II. SUMMARY OF EVIDENCE⁴

COPA’s investigation included interviews of the accused officers, Officer ██████████ ██████████, Officer ██████████ ██████████, Officer ██████████ ██████████, and Officer ██████████ ██████████, the complainant, ██████████ ██████████⁹; and a civilian, ██████████ ██████████¹⁰ Chicago Police Department (“CPD”) reports, RD # ██████████ documenting the incident were also collected, which included summaries of the officers’ account. COPA also received depositions¹¹ related to ██████████ civil suit, 16 C ██████████ alleging misconduct and ██████████ criminal case transcripts¹², ██████████ ██████████. There was no video evidence or independent witnesses available.

Upon a review of the compiled evidence, COPA finds the following narrative occurred by a preponderance of the evidence. On September 24, 2014, at approximately 5 PM around 7900 S. Ingleside Avenue, the officers were stopped by a civilian stating a white Hummer was driving erratically. The officers observed the Hummer violating traffic laws and subsequently stopped it.

⁴ COPA 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.

⁵ Attachment 40
⁶ Attachment 45
⁷ Attachment 50
⁸ Attachment 56
⁹ Attachment 71
¹⁰ Attachment 24
¹¹ Attachment 30
¹² Attachment 29

After [REDACTED] was unable to produce his driver's license, Officer [REDACTED] asked [REDACTED] to exit his vehicle and [REDACTED] complied. After [REDACTED] exited his vehicle and as Officer [REDACTED] attempted to place [REDACTED] into custody, there are conflicting accounts as to what occurred next. There are further conflicting accounts about [REDACTED] actions and whether he resisted.

[REDACTED] stated he did not resist at any point during his interaction with the officers. Contrarily, the officers stated that [REDACTED] continued to resist, did not comply with their verbal direction, attempted to walk away, attempted to avoid physical control, and reached towards his waistband making them believe that [REDACTED] possessed a weapon.

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.

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 the allegations against Officers [REDACTED] and [REDACTED] are Not Sustained. CPD policy¹³ permits officers to use force against individuals based on the individual's actions. The officers stated based on [REDACTED] actions they used an appropriate level of force to place [REDACTED] into custody. [REDACTED] stated he was compliant and never resisted. While it is clear that the officers used force, it is not clear by a preponderance of the evidence that it was excessive. Due to the lack

¹³ General Order G03-02-02: Force Options (Effective Date May 16, 2012)

of evidence and an independent witness to corroborate or refute anyone’s statements, COPA could not determine whether the force used was excessive. Therefore, COPA finds that the allegations against Officers ██████████ and ██████████ are Not Sustained.

COPA finds that the allegation against Officer ██████████ is Unfounded. Officer ██████████ said he did not have physical contact with ██████████. The other officers corroborate Officer ██████████ statement, stating Officer ██████████ did not assist in placing ██████████ into custody as he remained on the passenger side of the vehicle while the incident occurred on the driver’s side. Additionally, ██████████ did not know if Officer ██████████ had physical contact with him. Considering all the evidence, COPA firmly believes that Officer ██████████ did not make contact with ██████████ and the allegation is not factual. Therefore, COPA finds that the allegation against Officer ██████████ is Unfounded.

Approved:

Angela Hearts-Glass
Deputy Chief Administrator – Chief Investigator

Date

Assigned Investigative Staff

Squad#:	█
Investigator:	██████████
Supervising Investigator:	██████████████████
Deputy Chief Administrator:	Angela Hearts-Glass