

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

Date/Time/Location of Incident:	August 25, 2016 / 3:40 a.m. / [REDACTED]
Date/Time of COPA Notification:	August 26, 2016 / 10:38 a.m.
Involved Officer #1:	[REDACTED], star # [REDACTED], employee ID# [REDACTED], Date of Appointment [REDACTED], 2015, Police Officer, Unit of Assignment [REDACTED] District, DOB [REDACTED], Male, Hispanic
Involved Individual #1:	[REDACTED], DOB [REDACTED], 1987, Female, Black
Case Type:	Verbal Abuse – Racial/Ethnic

**I. ALLEGATIONS**

Officer	Allegation	Finding
Officer [REDACTED]	1. Verbally abused [REDACTED] by calling her a “black bitch” and/or referring to her as a prostitute.	Not Sustained
Unknown Officer	1. Pushed [REDACTED].	Not Sustained

**II. SUMMARY OF EVIDENCE<sup>2</sup>**

[REDACTED] stated that she was outside The [REDACTED] bar smoking a cigarette when she was approached by three unknown male individuals who began verbally harassing her and claiming to be members of the Chicago Police Department (“CPD”). One of the individuals referred to [REDACTED] as a prostitute and called her a “black bitch.” [REDACTED] further alleged that another member of the group pushed her. The individuals left in a grey [REDACTED] with a license plate number registered to CPD Officer [REDACTED]. [REDACTED] immediately reported the incident to her friend, [REDACTED], who informed IPRA that she heard one of the individuals in the backseat of the [REDACTED] ask the women if they were “working.” On-duty CPD officers responded and [REDACTED] reported the incident to them. IPRA was unable to obtain any video recordings from the bar or witness accounts from bar staff.

<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>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.

Officer ██████ recalled being at the bar with his two brothers and friends, and that they had the ██████ with them. Neither of Officer ██████'s brothers are CPD officers and he could not remember which friends were with them. Officer ██████ did not recall speaking to anyone outside of the bar but recalled a woman yelling and swearing outside of the bar. He did not know who she was yelling at. Officer ██████ did not recall if either of his brothers spoke to her. He denied the allegations against him.

### 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.

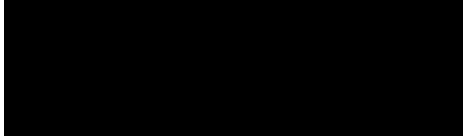
A **preponderance of evidence** can be described as evidence indicating that it is **more likely than not** that the conduct occurred and violated Department policy. *See Avery v. State Farm Mutual Automobile Insurance Co.*, 216 Ill. 2d 100, 191 (2005), (a proposition is proved by a preponderance of 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 ██████ and Officer ██████ were both present at The ██████ on August 25, 2016; however, Officer ██████ denied any interaction occurred between them. ██████ witnessed a portion of the incident but did not fully corroborate ██████'s account. There are no video recordings or further witnesses who may have seen more of the incident. Officer ██████ reported that he was with his two brothers, and it is possible that one of them had some contact with ██████. COPA finds that there is insufficient evidence to support the allegations; therefore, the allegations in this case are **Not Sustained**.

Approved:



April 13, 2019



*Deputy Chief Administrator – Chief Investigator*

Date

Appendix A

Assigned Investigative Staff

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<b>Squad#:</b>	[REDACTED]
<b>Investigator:</b>	[REDACTED]
<b>Supervising Investigator:</b>	[REDACTED]
<b>Deputy Chief Administrator:</b>	[REDACTED]