

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

Date/Time/Location of Incident:	December 26, 2015; 1:36 p.m.; [REDACTED] [REDACTED]
Date/Time of COPA Notification:	December 29, 2015; 2:37 p.m.
Involved Officer #1:	[REDACTED] star# [REDACTED] employee ID# [REDACTED] Date of Appointment: [REDACTED] 2005; Police Officer; Unit of Assignment: [REDACTED] District; Date of Birth: [REDACTED] 1975; Male; Black.
Involved Officer #2:	[REDACTED] star# [REDACTED] employee ID# [REDACTED] Date of Appointment: [REDACTED] 2002; Police Officer; Unit of Assignment: [REDACTED] District; Date of Birth: [REDACTED] 1967; Male; White.
Involved Individual #1:	[REDACTED] 2001; Female; Black.
Involved Individual #2:	[REDACTED] 1993; Male; Black.
Case Type:	Excessive Force

I. ALLEGATIONS

Officer	Allegation	Finding
Officer [REDACTED]	1. It is alleged that Officer [REDACTED] told [REDACTED] to, "Get the fuck back," in violation of Rule 8.	Not Sustained
	2. It is alleged that Officer [REDACTED] pushed [REDACTED] to the ground, in violation of Rule 8.	Not Sustained
	3. It is alleged that Officer [REDACTED] pointed a firearm at [REDACTED] in violation of Rule 38.	Not Sustained
	4. It is alleged that Officer [REDACTED] pushed [REDACTED] against a gate, in violation of Rule 8.	Not Sustained
	5. It is alleged that Officer [REDACTED] handcuffed [REDACTED] too tightly, in violation of Rule 8.	Not Sustained
Officer [REDACTED]	1. It is alleged that Officer [REDACTED] grabbed [REDACTED] in violation of Rule 8.	Not Sustained

<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> Officer [REDACTED] passed away in September 2016 prior to addressing the allegations against him.

	2. It is alleged that Officer ██████████ pushed ██████████ to the ground, in violation of Rule 8.	Not Sustained
	3. It is alleged that Officer ██████████ pulled ██████████ hair, in violation of Rule 8.	Not Sustained
Unidentified Officer	1. It is alleged that an Unidentified Officer struck ██████████ on the head with a firearm, in violation of Rule 38.	Not Sustained

**II. SUMMARY OF EVIDENCE<sup>3</sup>**

██████████ and ██████████ were arrested following an officer-involved shooting that occurred at ██████████. In her statement to IPRA, ██████████ said she criticized the officers for shooting her neighbor, ██████████ and demanded to know why they shot him. She alleged that Officer ██████████ told her to “get the fuck back.” ██████████ related that she argued with him and told him that the officers failed to serve and protect. Officer ██████████ then pushed ██████████ pointed a gun at her, slammed her against a fence and handcuffed her too tightly. ██████████ denied threatening the officers. ██████████ added that another officer grabbed her brother, ██████████ pushed him to the ground, and pulled his hair. According to ██████████ pulled away and tried to get the officers off him. ██████████ also stated that an unknown officer struck ██████████ on the back of the head with a long gun. Efforts to interview ██████████ were unsuccessful. In an interview with IPRA, ██████████ and ██████████ mother, provided an account consistent with ██████████ statement. ██████████ stated that when the officers told everyone to move back from the crime scene, ██████████ argued with the officers and refused to move. According to ██████████ when the officers went to place ██████████ into custody, ██████████ told the officers not to arrest his sister, and to get out of ██████████ face. ██████████ stated that ██████████ moved around when the officers tried to handcuff him.

According to Department reports, as officers attempted to disperse a large crowd, ██████████ and ██████████ refused to disperse and threatened officers. ██████████ reportedly failed to follow verbal direction, stiffened, and pulled away. ██████████ stiffened, pulled away, and fled. Officer ██████████ reported that he used escort holds and performed a takedown in order to place ██████████ into custody. Officer ██████████ reported that he used escort holds, performed a takedown, and pulled ██████████ hair to gain control. In a statement to COPA, Officer ██████████ denied pushing ██████████ but stated that he and ██████████ may have fallen to the ground. Officer ██████████ stated that he told ██████████ and the crowd to move back, but he denied using the language, “move the fuck back.”

**III. LEGAL STANDARD**

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<sup>3</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.

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.

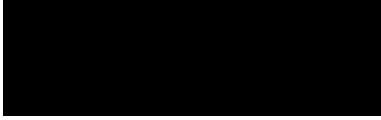
A **preponderance of evidence** can be described as evidence indicating that it is **more likely than not** that the conduct occurred and violated Department policy. *See Avery v. State Farm Mutual Automobile Insurance Co.*, 216 Ill. 2d 100, 191 (2005), (a proposition is proved by a preponderance of 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 Officer [REDACTED] Officer [REDACTED] and an Unidentified Officer are Not Sustained. Department reports document that [REDACTED] and [REDACTED] refused the officers' lawful orders to disperse from a crime scene. This is consistent with [REDACTED] and [REDACTED] accounts whereby each reported that [REDACTED] failed to follow the officers' verbal commands and argued with the officers regarding the police shooting of [REDACTED]. While Officer [REDACTED] documented that he used force to place [REDACTED] into custody, he denied using the force she alleged. Officer [REDACTED] also documented that he used force against [REDACTED] but neither he or any other officer on scene reported striking [REDACTED] with a firearm. Without the account of [REDACTED] and the absence of any additional independent, corroborating information, there is insufficient evidence to prove or disprove the allegations.

Approved:



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Andrea Kersten  
*Deputy Chief Administrator – Chief Investigator*

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Date

Appendix A

Assigned Investigative Staff

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<b>Squad#:</b>	█
<b>Investigator:</b>	████████████████████
<b>Supervising Investigator:</b>	████████████████████
<b>Deputy Chief Administrator:</b>	Andrea Kersten, █