

SUMMARY REPORT OF INVESTIGATION

I. EXECUTIVE SUMMARY

Date of Incident:	October 9, 2016
Time of Incident:	11:11 PM
Location of Incident:	[REDACTED]
Date of COPA Notification:	June 8, 2018
Time of COPA Notification:	1:08 PM

On October 9, 2016, the complainant, [REDACTED], was subject to a traffic stop. He was ultimately arrested for unlawful use of a weapon, among other charges. [REDACTED] alleged he was arrested by Officers [REDACTED], Sergeant [REDACTED], and Officer [REDACTED] without justification.¹ [REDACTED] further alleged that once at the police station Sergeant [REDACTED] was drunk and Officer [REDACTED] punched him. COPA’s findings are discussed in the Analysis portion of this report.

II. INVOLVED PARTIES

Involved Officer #1:	[REDACTED], Star # [REDACTED], Employee ID # [REDACTED], Date of Appointment: [REDACTED] 1999, Police Officer, Unit [REDACTED] ([REDACTED] – Area [REDACTED]), Date of Birth: [REDACTED] [REDACTED] 1976, Male, White
Involved Officer #2:	[REDACTED], Star # [REDACTED], Employee ID # [REDACTED], Date of Appointment: [REDACTED], 2004, Police Officer, Unit [REDACTED], Date of Birth: [REDACTED], 1979, Male, Asian
Involved Officer #3:	[REDACTED], Star # [REDACTED], Employee ID # [REDACTED], Date of Appointment: [REDACTED], 2005, Sergeant of Police, [REDACTED] District, Date of Birth: [REDACTED], 1979, Male, White
Involved Individual #1:	[REDACTED], Date of Birth: [REDACTED] 1986, Male, Black

III. ALLEGATIONS

Officer	Allegation	Finding
Officer [REDACTED]	1. Arrested [REDACTED] for unlawful use of a weapon without justification, in violation of Rule 2 and Rule 6.	Exonerated

¹ Sergeant [REDACTED] was a police officer at the time of [REDACTED]’s arrest on October 9, 2016.

Officer ■	1. Arrested ■ for unlawful use of a weapon without justification, in violation of Rule 2 and Rule 6. 2. Punched ■ in the face, in violation of Rule 6 and Rule 9.	Exonerated Unfounded
Sergeant ■	1. Arrested ■ for unlawful use of a weapon without justification, in violation of Rule 2 and Rule 6. 2. Drank alcohol while on duty, in violation of Rule 2 and Rule 15.	Exonerated Unfounded

IV. APPLICABLE RULES AND LAWS

Rules

1. **Rule 2:** Prohibits 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 9:** Engaging in any unjustified verbal or physical altercation with any person, while on or off duty.
4. **Rule 15:** Intoxication on or off duty.

General Orders

1. **G03-02:** Use of Force Guidelines.²
2. **G03-02-02:** Force Options.³

Federal Laws

1. **Fourth Amendment to the United States Constitution:** Guarantees protection from unlawful arrest and unreasonable search and seizure to all persons in this country.

V. INVESTIGATION⁴

² The Use of Force Guidelines Policy referenced in this report was effective from October 1, 2002 until October 16, 2017 (Att. 41).

³ The Force Options referenced in this report was effective from January 1, 2016 until October 16, 2017 (Att. 42).

⁴ COPA conducted a thorough and complete investigation. The following is a summary of the material evidence gathered and relied upon in our analysis.

a. Interviews

The complainant, ██████████, submitted a handwritten **letter** to COPA in June 2018.⁵ ██████████ wrote he was “a victim of Police Brutality on October 9, 2016.” Per ██████████, he was driving and passed a police SUV. The police vehicle made a U-turn and ██████████ stopped his car. ██████████ asked why he was pulled over, and an officer responded that ██████████ ran a red light. The officers asked ██████████ out of his car and ██████████ heard his passenger door unlock. ██████████ feared for his life and “pulled off and tried to make it home.” ██████████ stopped his car for officers from the ██████████ District, who were wearing Body Worn Cameras (BWC), and told them that he was afraid. ██████████ spoke to a sergeant, who arranged for ██████████’s transportation in a squadrol.

Once at the police station, ██████████ was searched and “talked down on.” ██████████ asked one of the officers “to get out of my face cause [sic] he reeked of liquor.” ██████████ was then locked in a holding cell where his three arresting officers came and spoke to him. ██████████ believed all three officers were drunk. One officer told ██████████ that ██████████ got the officer in trouble with his supervisor. An Asian, male officer told ██████████ he “should have never pulled off,” and proceeded to strike ██████████. ██████████ “continued to ask for medical assistance but” no one responded to him. ██████████ stated that the officers lied in bond court by stating that ██████████ kicked a gun under a car seat when they asked ██████████ to exit his car.

COPA interviewed ██████████ on January 11, 2019.⁶ ██████████ related that on October 9, 2016, he was stopped at a red light, going west at ██████████ and ██████████. An unmarked police car turned behind him, and he pulled over. ██████████ rolled down his windows and the officers told him that he ran a red light, which ██████████ denied to COPA.⁷ ██████████ provided the officers with his license and insurance and was asked to exit the vehicle. ██████████ asked why he needed to exit his car and he heard the passenger door open. ██████████ was then scared because the officers were entering his car, so he drove off. ██████████ stated he was fearful because he was “attacked by the police before” and the police have been “doing anything they want to do to people.”⁸ ██████████ admitted to COPA that he told officers, “Y’all wanna play,” before he drove off, because he could not believe the officers’ actions.⁹ ██████████ made a U-turn and headed towards his home when he hit the sidewalk and his tire broke. ██████████ felt safer because he was away from the original officers and a different set of officers pulled him over. ██████████ parked, exited his car willingly, and he was arrested by the second set of officers. ██████████ refused to get into any police car because he was scared, and he was transported by a squadrol. ██████████ related that he felt safer in the wagon because he thought officers would “do something” to him.¹⁰

Once at the police station, officers showed him a gun, but ██████████ denied it was his. ██████████ spoke to a supervisor and related that Sergeant ██████████’s breath smelled like liquor. ██████████

⁵ Att. 3

⁶ Att. 16

⁷ ██████████ did not believe he ran this red light because he never received a ticket from the red-light camera. However, available evidence from the City of Chicago states the red-light camera at the intersection of ██████████ and Kostner Ave. monitors traffic going east, north, and south but not west (see Att. 22).

⁸ Approximately 3:58 and 4:04 minute marks of Att. 16.

⁹ Approximately 23:03 minute mark of Att. 16.

¹⁰ Approximately 8:28 minute mark of Att. 16.

believed all three officers were drunk.¹¹ Sergeant ██████ then got mad at ██████ for getting him in trouble with his supervisor and Officer ██████ tried to get ██████ to confess.¹² Officer ██████ reportedly asked ██████ how many kids he has, then punched ██████ on the left side of his face two times. ██████ tried to stand up to hit the officer back, but ██████ was chained to the wall and the officer left. ██████ related there were no witnesses when Officer ██████ hit ██████. ██████ went to the hospital about two days after his arrest. ██████ reported to COPA that his only injuries were to his face from being punched.

██████ denied that he had a gun in his car. ██████ denied throwing ammunition or a gun out of his car while driving. ██████ stated that he has been associated with his brother's name and date of birth in CPD records, but he did not know why. ██████ denied having ever used his brother's name and date of birth.

COPA interviewed **Officer ██████** on March 20, 2019.¹³ Officer ██████ related that on October 9, 2016, he was on patrol with Officer ██████ and Sergeant ██████. The officers stopped ██████'s van after observing ██████ run a red light. Officer ██████ approached on the driver's side and Officer ██████ went to the passenger's side. ██████ provided Officer ██████ with a driver's license but no insurance. ██████ told Officer ██████ something to the effect of, "Everything's okay man. It's cool. I just gotta get outta here."¹⁴ Officer ██████ described ██████ as nervous, sweaty, and shaky. Officer ██████ indicated to Officer ██████ that he saw "the barrel of a handgun [...] by ██████'s feet on the floorboard," by pointing down and telling Officer ██████ to remove ██████ from the car.¹⁵ Officer ██████ asked ██████ to exit his vehicle and ██████ "immediately put the van in drive and took off."¹⁶

The officers returned to the police car, turned on their lights, and drove behind ██████. Officer ██████ recalled that ██████ turned down several blocks before accelerating east on North Ave. The officers went on the radio and additional units assisted. Officer ██████ did not see ██████ throw anything from his vehicle. ██████ stopped again a few blocks east of the initial stop, and his van was missing a tire. Officer ██████ clarified that ██████'s van had four tires when he initially stopped ██████. By the time Officer ██████ caught up to ██████, other units had already handcuffed him. Officer ██████ believed that the recovered ammunition was attributed to ██████ because it fit the recovered weapon. The weapon was attributed to ██████ because "it had fresh scratch marks, as if he threw it out of the vehicle."¹⁷ Officer ██████ also recognized the gun. Officers knew where to look for the weapon and ammunition because Officer ██████ and his partners had provided the path of flight via radio.

¹¹ Allegations were not given to Officers ██████ and ██████ related to ██████'s claim all three officers were drunk because ██████ failed to provide any evidence related to these two officers aside from a general feeling, whereas he reportedly smelled alcohol on Sergeant ██████'s breath.

¹² A review of Sergeant ██████'s disciplinary history included no additional incidents from 2016 or incidents involving intoxication (see Att. 43).

¹³ Att. 47

¹⁴ Approximately 7:07 minute mark of Att. 47.

¹⁵ Approximately 7:51 minute mark of Att. 47.

¹⁶ Approximately 8:16 minute mark of Att. 47.

¹⁷ Approximately 11:26 minute mark of Att. 47.

Officer ██████ did not believe he interacted with ██████ again, but he may have escorted ██████ to processing at the ██████ District. Officer ██████ recalled that ██████ seemed angry. Officer ██████ had no knowledge of supervisors speaking to ██████ at the police station. Officer ██████ did not observe injuries to ██████'s face, nor did he hear ██████ complain about being hit. Officer ██████ denied that Sergeant ██████ seemed drunk, that he saw Sergeant ██████ drink alcohol, or that he has ever known Sergeant ██████ to be inebriated at work. Officer ██████ denied that he himself was intoxicated. Officer ██████ denied hearing ██████ complain that officers were drunk. Officer ██████ did not know why ██████ went to the hospital and he did not transport Ingram to the hospital.

COPA interviewed Officer ██████ on March 20, 2019.¹⁸ On October 9, 2016, Officer ██████ was on patrol in the ██████ District. ██████ was driving a van when he failed to stop red light and the officers pulled him over. Officer ██████ approached on the passenger's side and Officer ██████ approached on the driver's side. Officer ██████ described ██████ as nervous, jittery, and kicking around. While Officer ██████ was talking to ██████, Officer ██████ saw the barrel of a handgun by ██████'s feet. Officer ██████ got Officer ██████'s attention by making hand motions. Officer ██████ elaborated that he and Officer ██████ are "in synch," so Officer ██████ knew that Officer ██████'s hand motions meant "something's up" and to get ██████ out of the car.¹⁹ Officer ██████ told ██████ to exit his car, but ██████ proceeded to put his vehicle in drive and flee. Officer ██████ believed he started to open the passenger door, but ██████ drove off before Officer ██████ could open it.

The officers returned to their vehicle and followed ██████. Officer ██████ believed he reported ██████'s direction of flight via radio. Officer ██████ did not see ██████ throw anything from his vehicle. Per Officer ██████, ██████ stopped shortly after, because ██████'s tires blew out. Once Officer ██████ and his partners arrived at ██████'s car, ██████ District officers had ██████ in custody. Officer ██████ believed the ammunition and gun were found near each other and the magazine fit in the gun. Officer ██████ stated that he recognized the recovered firearm from when he saw it on the floor of ██████'s car. A wagon transported ██████ because ██████ is large. Officer ██████ did not believe ██████ requested a wagon.

Officer ██████ saw ██████ again at the ██████ District. Officer ██████ related that Sergeant ██████ may have spoken with ██████ at the police station. Officer ██████ denied punching ██████ or striking ██████'s face. Officer ██████ denied that Sergeant ██████ appeared to be intoxicated, that he saw Sergeant ██████ drinking alcohol, or that he has ever know Sergeant ██████ to be intoxicated at work. Officer ██████ denied being intoxicated during ██████'s arrest, or hearing ██████ complain officers were drunk. Officer ██████ did not know why ██████ went to the hospital, nor did he transport ██████ to the hospital.

COPA interviewed Sergeant ██████ on April 10, 2019.²⁰ On October 9, 2016, Sergeant ██████ was working with Officers ██████ and ██████. Per Sergeant ██████ the officers performed a traffic stop on ██████ after seeing him run a red light. Sergeant ██████ approached on the passenger's side and did not speak to ██████. Sergeant ██████ recalled that

¹⁸ Att. 52

¹⁹ Approximately 7:28 minute mark of Att. 52.

²⁰ Att. 59

█████ was “very talkative and moving around a lot in his seat.”²¹ Officer █████ observed a gun under █████’s seat and █████ was asked out of his car. █████ then put his car into drive and took off. █████ initially turned off of North Ave. before turning east, back onto on North Ave.

The officers returned to their squad car and followed █████ while giving information over the radio. Sergeant █████ did not see █████ throw anything from his car. Sergeant █████ related that █████’s car got continually farther away and there was traffic. █████ stopped again because he had only three wheels on his car. Sergeant █████ did not know what happened to █████’s fourth wheel. Officers from the █████ District had already detained █████ when Sergeant █████ and his partners arrived. Sergeant █████ related that the recovered ammunition and handgun were attributed to █████ because the gun had “clear, fresh scratches on it as if it was thrown from a vehicle that was driving by. There was no magazine in it. There was a magazine that was nearby where that gun was found, that fit with that [...] weapon that also had scratches on it. Which would be consistent of a gun thrown from a vehicle driving at a high rate of speed and sliding across the street.”²² A wagon transported █████ because Sergeant █████ and his partners did not have a cage in their car.

Sergeant █████ next saw █████ at the █████ District. Sergeant █████ related that █████ may have spoken with Sergeant █████, or he may have spoke to other supervisors. Sergeant █████ recalled nothing contentious with █████ at the police station. Sergeant █████ did not recall █████ having facial injuries or complaining that someone hit him. Sergeant █████ had no knowledge of Officer █████ punching █████. Sergeant █████ denied being drunk for any portion of his encounter with █████. Sergeant █████ denied that Officers █████ and █████ were intoxicated. Sergeant █████ did not hear █████ complain that officers were drunk. Sergeant █████ did not recall █████ going to the hospital.

COPA interviewed Officer █████ on February 6, 2019.²³ Officer █████ stated that on October 9, 2016, he was on patrol in the █████ District and in an unmarked vehicle with Officer █████ and Sergeant █████. They saw █████’s vehicle speeding before █████ almost struck the police car and continued east on North Ave. The officers then followed █████ and █████ stopped near Kedzie Ave. Officer █████ was not aware that █████ was fleeing from additional officers, but he did notice blue lights coming from behind. Officer █████ saw nothing thrown from █████’s car. Officer █████ saw sparks coming from one of █████’s tires. Officer █████ and his partners approached █████ and additional officers arrived. █████ was removed from his car and handcuffed. Officer █████ stated █████ was “very loud and he was moving around a lot.”²⁴ █████ said he was afraid, but Officer █████ did not think █████ was actually fearful. Once █████ was handcuffed, Officer █████ learned █████ had been fleeing from police and a gun was found. A squadrol transported █████ to the police station. Officer █████ denied that any arresting officers seemed intoxicated. Officer █████ knows Sergeant █████ and saw him on scene but denied Sergeant █████ appeared to be drunk. Officer █████ explained that the █████ District and █████ District border each other, and █████ Ave. is the dividing line.

²¹ Approximately 7:10 minute mark of Att. 59.

²² Approximately 10:27 minute mark of Att. 59.

²³ Att. 26

²⁴ Approximately 5:58 minute mark of Att. 26.

On February 6, 2019, COPA interviewed **Officer [REDACTED]**.²⁵ On October 9, 2016, he was assigned to a tactical team in the [REDACTED] District with Officer [REDACTED] and Sergeant [REDACTED]. [REDACTED] was speeding, ran a red light, and almost struck Officer [REDACTED]'s police car. The officers then attempted a traffic stop on [REDACTED]. Officer [REDACTED] did not see anything thrown or dropped from [REDACTED]'s car. Officer [REDACTED] believed [REDACTED]'s tire was already flat when they first saw him. [REDACTED] did not want to exit his vehicle, but eventually [REDACTED] was taken out of his car and handcuffed. Once additional officers arrived, Officer [REDACTED] learned [REDACTED] had been fleeing from police. Officer [REDACTED] later learned a gun was recovered. [REDACTED] was transported in a wagon because [REDACTED] was uncooperative, agitated, upset, and screaming. Officer [REDACTED] denied that any officers appeared to be intoxicated.

COPA interviewed **Sergeant [REDACTED]** on February 13, 2019.²⁶ On October 9, 2016, Sergeant [REDACTED] was patrolling the [REDACTED] District in an unmarked car with Officers [REDACTED] and [REDACTED]. Sergeant [REDACTED] saw [REDACTED]'s vehicle run a red light and [REDACTED] almost struck their police car. [REDACTED] stopped near [REDACTED] and Kedzie Ave., and one of his tires was on the rim. Sergeant [REDACTED] did not see anything thrown from [REDACTED]'s car. The officers asked [REDACTED] to exit and he eventually complied. Sergeant [REDACTED] related [REDACTED] was "yelling and screaming" so the sergeant called a squadrol to transport [REDACTED] for officer safety.²⁷ Sergeant [REDACTED] denied that [REDACTED] requested a wagon. Gang officers from the [REDACTED] District arrived, and they told Sergeant [REDACTED] that [REDACTED] had fled from them. The [REDACTED] District officers then took over the arrest. Later, Sergeant [REDACTED] learned a gun was recovered somewhere in the [REDACTED] District. Sergeant [REDACTED] denied that any officers on scene were intoxicated.

On February 20, 2019, COPA interviewed **Officer [REDACTED]**.²⁸ Officer [REDACTED] related that on October 9, 2016, he and Officer [REDACTED] were on patrol in the [REDACTED] District. The officers heard a call that [REDACTED] fled from police. Officer [REDACTED] and his partner looked for anything that may have been thrown from the window, based on what was reported over the radio. The officers found a magazine and guarded it until additional officers arrived to recover it. Officer [REDACTED] denied seeing [REDACTED] or his vehicle. Officer [REDACTED] denied having any interactions with the arresting officers.

COPA interviewed **Officer [REDACTED]** on February 15, 2019.²⁹ On October 9, 2016, Officer [REDACTED] was on patrol in the [REDACTED] District and partnered with Officer [REDACTED]. Officer [REDACTED] recalled finding ammunition and a magazine after hearing radio transmissions. Officer [REDACTED] heard someone fled from the police, along with the path of flight. Officer [REDACTED] reported the evidence's location over the air and different officers recovered it. Officer [REDACTED] related that he never saw [REDACTED] or [REDACTED]'s vehicle. Officer [REDACTED] denied having interactions with the arresting officers. Officer [REDACTED] stated he knows Sergeant [REDACTED] but did not recall seeing him that night and denied that Sergeant [REDACTED] has ever seemed drunk at work.

²⁵ Att. 28

²⁶ Att. 35

²⁷ Approximately 6:54 minute mark of Att. 35.

²⁸ Att. 39

²⁹ Att. 37

COPA interviewed **Sergeant** [REDACTED] on March 28, 2019.³¹ Sergeant [REDACTED] did not independently recall [REDACTED] but recalled the incident after reviewing Department reports. Sergeant [REDACTED] related that the only memorable thing from [REDACTED]'s arrest was that a gun was thrown out of the car and later found. Sergeant [REDACTED] could not specifically recall how the recovered gun was attributed to [REDACTED]. Sergeant [REDACTED] recalled monitoring radio transmissions as the situation unfolded. Sergeant [REDACTED] did not go to the scene and was not involved in [REDACTED]'s arrest. Sergeant [REDACTED] did not recall seeing or speaking with [REDACTED]. Sergeant [REDACTED] asserted that Sergeant [REDACTED] would not have been drunk at work. Sergeant [REDACTED] denied that an arrestee ever complained that Sergeant [REDACTED] smelled like alcohol. Sergeant [REDACTED] related that [REDACTED] did not complain to Sergeant [REDACTED] about drunk officers. Sergeant [REDACTED] had no knowledge of Officer [REDACTED], or any officers, punching [REDACTED].

COPA interviewed **Officer** [REDACTED] on February 8, 2019.³² On October 9, 2016, Officer [REDACTED] was assigned to the squadrol in the [REDACTED] District. Officer [REDACTED] was called to transport [REDACTED]. Officer [REDACTED] stated that [REDACTED] was cooperative. Officer [REDACTED] recalled nothing significant from his interaction with [REDACTED] or the arresting officers. Officer [REDACTED] denied that any officers on scene appeared to be intoxicated.

COPA interviewed **Officer** [REDACTED] on February 7, 2019.³³ After reviewing Attendance and Assignment records from October 9, 2016, Officer [REDACTED] related that she was assigned to a squadrol. Officer [REDACTED] had no recollection of [REDACTED] or this incident. Officer [REDACTED] could not recall any incidents where officers appeared to be intoxicated.

COPA interviewed **Officer** [REDACTED] on January 28, 2019.³⁴ Officer [REDACTED] believed she was included on [REDACTED]'s arrest report in error. Officer [REDACTED] related that she works in administration and would not have transported an arrestee. Officer [REDACTED] had no recollection of [REDACTED].

b. Digital Evidence

The following relevant **Body Worn Camera** (BWC) footage was available from involved [REDACTED] District officers.^{35 36}

Sergeant [REDACTED]

Sergeant [REDACTED]'s BWC initiated at approximately 11:11 PM. Additional officers arrived at approximately the same time, and [REDACTED] exited his vehicle. [REDACTED] was handcuffed, and Sergeant [REDACTED] searched [REDACTED]'s car. At roughly 11:12 PM, [REDACTED] stated, "It looked like he had a pistol underneath his seat when he was taking off on us." [REDACTED] was heard yelling and at about 11:13 PM he stated, "Y'all just scared me when y'all opened my door. That's why [inaudible]." [REDACTED] did not want

³¹ Att. 57

³² Att. 33

³³ Att. 30

³⁴ Att. 23

³⁵ Att. 44

³⁶ No digital evidence was available from Gang Enforcement – Area [REDACTED] (Unit [REDACTED]), as they are not assigned Body Worn Camera (BWC). The [REDACTED] District was not assigned BWC until December 4, 2017.

to get into a squad car and Sergeant ██████ requested a wagon. At approximately 11:15 PM, ██████ stated, “He bust my fucking door down like he was finna to do something to me.” ██████ continued arguing with officers and related he was upset that an officer had opened his car door before he fled. The squadrol arrived at approximately 11:18 PM and ██████ was escorted inside without incident.

Officer ██████

██████ stated he was driving erratically because police officers scared him by opening his car door. Officer ██████ escorted ██████ to a marked vehicle but ██████ continued arguing and would not enter the squad car. ██████’s statements suggested that he thought the ██████ District officers were the same officers who performed the initial traffic stop. At about 11:18 PM, ██████ got into the squadrol.

Officer ██████

Officer ██████’s BWC contained no additional, relevant details aside from what was included in the above summaries from Sergeant ██████’s and Officer ██████’s BWC.

c. Physical Evidence

██████’s **Medical Records** were obtained from treatment following his arrest on October 9, 2016.³⁷ ██████ was admitted to ██████ Healthcare on October 10, 2016 at about 12:23 PM.³⁸ ██████ was diagnosed with a contusion in his thorax, facial pain, and hypertension. ██████’s admitting complaint was pain in his right wrist, caused by officers’ handcuffing him too tightly. ██████ reported that “he heard a ‘snap’ in his wrist.” ██████’s external causes of injury were described as “on same level from slipping, tripping and stumbling without subsequent striking against object.” Per Hospital staff, ██████ was “Extremely talkative, occasionally agitated. Repeatedly tells accompanying officers, ‘This would be a lot different story if these handcuffs were off.’” ██████ also told hospital staff that “he was ‘smacked in the face on the left side.’” However, available records did not include who or what ██████ reported being hit by. An x-ray of ██████’s wrist was normal. ██████ was discharged at roughly 1:18 PM.

d. Documentary Evidence

██████’s **Arrest Report** was obtained from October 9, 2016 with **RD #** ██████.³⁹ ██████ was charged with felony unlawful use of a weapon. He was also charged with misdemeanor reckless driving, misdemeanor flee/attempt to elude police, and a traffic citation for disobeying a red light. The reporting officers observed ██████’s vehicle drive through a solid red light. The officers curbed ██████, who was able to “produce a license, but could not produce insurance.” Officer ██████ told ██████ why he was stopped, and ██████ related “that everything was fine and he just needs to go.” While ██████ was speaking, he “began to sweat and appeared to be

³⁷ Att. 21

³⁸ At the time ██████ sought medical care, the hospital was named ██████. The hospital was later renamed ██████ Medical Center.

³⁹ Att. 4

nervous by continuously shaking his legs and reaching down by his feet with his hands.” Officer [REDACTED] was on the passenger’s side and “observed the barrel of a handgun” near [REDACTED]’s “feet on the floor board.” Officer [REDACTED] asked [REDACTED] to exit his vehicle. [REDACTED] proceeded to put his car into drive and speed away. The reporting officers followed with their emergency equipment activated, and [REDACTED] drove through at least three red lights. Officers from the [REDACTED] District saw [REDACTED]’s vehicle near [REDACTED], with his front passenger tire no longer attached. Officers eventually removed [REDACTED] from his car and arrested him. A [REDACTED] District beat recovered a magazine with live rounds from [REDACTED]. A handgun was also recovered near [REDACTED]. [REDACTED]. The lock-up keeper at the [REDACTED] District wrote that [REDACTED] stated he was in pain from prior injuries. The lock-up keeper also reported that [REDACTED] was argumentative and did not properly follow directions. [REDACTED] went to the hospital on October 10, 2016 at approximately 12:11 PM and returned at about 2:40 PM.

An **Original Case Incident Report** was identified for RD # [REDACTED].⁴⁰ In addition to the details provided in the arrest report, Officer [REDACTED] told Officer [REDACTED] that he saw a gun by [REDACTED]’s feet. When Officer [REDACTED] asked [REDACTED] to exit, [REDACTED] “put his vehicle into gear and fled.” The officers engaged their emergency equipment and followed [REDACTED]. Beat [REDACTED] found a magazine with nine live rounds and two loose rounds. A handgun was also located.

Case Supplementary Reports were located for RD # [REDACTED].⁴¹ A pistol was recovered from [REDACTED] that contained nine live rounds. Detective [REDACTED] spoke with [REDACTED] at the [REDACTED] District. [REDACTED] reportedly told Detective [REDACTED], “You got some kind of attitude? I didn’t have no gun. I want my lawyer.” Officer [REDACTED] told the detective that he saw [REDACTED] kicking a gun while [REDACTED] spoke with Officer [REDACTED]. [REDACTED] proceeded to flee while Officer [REDACTED] attempted to open the passenger door.

Event # [REDACTED] was reported on October 9, 2016 at about 11:10 PM.⁴² The offender (known to be [REDACTED]) was reported as in-custody at roughly 11:11 AM. [REDACTED] was then reported as heading east on North Ave. at about 11:12 PM. Beat [REDACTED] reported finding a magazine near [REDACTED] and [REDACTED] streets at approximately 11:14 PM. Beat [REDACTED] reported finding a weapon at [REDACTED] at roughly 11:18 PM. At approximately 11:23 PM, Beat [REDACTED] transported [REDACTED] to the [REDACTED] District. Beats [REDACTED] and [REDACTED] also went, as [REDACTED] was reportedly violent.

VI. 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;

⁴⁰ Atts. 7

⁴¹ Atts. 5, 6

⁴² Att. 10

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.

VII. ANALYSIS

Allegation 1 against all three officers, that they arrested ██████ for unlawful use of a weapon without justification, is **Exonerated**. COPA finds the officers' version of events credible and conversely finds ██████ not credible. Based on Officer ██████ observing what he believed to be a gun at ██████'s feet just before he fled, the separate recovery of a hand gun and matching magazine in ██████'s flight of travel, and ██████'s flight itself; the officers had probable cause to arrest him for unlawful use of a weapon.

██████ provided COPA a story that simply does not add up. ██████ stated that he fled from the initial stop based on fear of the police, headed towards his home, but after crashing his car, complied with officers as they arrested him. ██████'s version is contradicted by the body camera and supporting reports. First, ██████ could not articulate what specific fear he had other than generalized police brutality. If true, it is unlikely that fear would have been suddenly alleviated when he encountered the second set of officers. Moreover, the body camera shows that ██████ thought the officers who detained him were the same officers that initially stopped him, therefore his account to COPA was in part not accurate. Next, ██████ claims to have headed home, however based on his reported address, he fled approximately 1.5 miles away from his home before he stopped. Finally, the arresting officers, reporting officers, lockup keeper and medical staff all noted ██████ was irate and uncooperative in direct contrast with his own statement. For those reasons COPA does not find ██████ credible.

Additionally, COPA does find the officer provided a consistent and credible version of the events. The officers' statements are corroborated by each other, department reports and the relevant radio transmissions. Officer ██████ stated that prior to ██████'s flight, Officer ██████ gestured to him that he observed something and that Officer ██████ should get ██████ out of the car. Officer ██████ statement lends credibility to Officer ██████'s statement that he saw the gun.

Additionally, on Sergeant [REDACTED]'s BWC, an officer can be heard mentioning the presence of a gun prior to flight.

In sum, based on Officer [REDACTED]'s observations, the lack of a gun in [REDACTED]'s car but the recovery of a gun that was separated from its magazine in the path of flight gives probable cause to arrest [REDACTED] for UUW. Therefore, this allegation is Exonerated for all three officers.

Allegation 2 against **Officer [REDACTED]**, that he punched [REDACTED] in the face, is **Unfounded**. [REDACTED] denied punching [REDACTED]. [REDACTED] related that he went to the hospital for medical treatment stemming from Officer [REDACTED] punching him. However, medical records indicate that [REDACTED] told staff he was there for his wrist. In contrast, [REDACTED] did not make any complaints to COPA about a wrist injury. Medical records do relate that [REDACTED] reported being hit in the face, however no injuries or treatment to his face were indicated. As articulated above, COPA finds that [REDACTED] was not a credible witness, and in contrast, Officer [REDACTED]'s account of the events was corroborated by other officers, body camera and reports. Based on the lack of evidence of the injuries and the credibility of the parties, COPA finds this allegation Unfounded.


Allegation 2 against **Sergeant [REDACTED]**, that he drank alcohol while on duty, is **Unfounded**. All interviewed Department members denied that anyone seemed drunk. All three accused, and Sergeant [REDACTED], denied that Sergeant [REDACTED] was drunk at work. [REDACTED] specifically claimed that he complained about Sergeant [REDACTED] to a supervisor. All the responding officers asserted Sergeant [REDACTED] was sober, and as articulated above, COPA does not find [REDACTED] credible, therefore this allegation is Unfounded.

VIII. CONCLUSION

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

Officer	Allegation	Finding
Officer [REDACTED]	1. Arrested [REDACTED] for unlawful use of a weapon without justification, in violation of Rule 2 and Rule 6.	Exonerated
Officer [REDACTED]	1. Arrested [REDACTED] for unlawful use of a weapon without justification, in violation of Rule 2 and Rule 6. 2. Punched [REDACTED] in the face, in violation of Rule 6 and Rule 9.	Exonerated Unfounded
Sergeant [REDACTED]	1. Arrested [REDACTED] for unlawful use of a weapon without justification, in violation of Rule 2 and Rule 6.	Exonerated Unfounded

Approved:



April 30, 2019



Deputy Chief Administrator – Chief Investigator

Date

Appendix A

Assigned Investigative Staff

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