

SUMMARY REPORT OF INVESTIGATION¹

Date/Time/Location of Incident:	July 4, 2014 / unknown time after 10:10 pm / [REDACTED]
Date/Time of IPRA Notification:	May 18, 2015 / 5:08 pm
Involved Officer #1:	Unknown
Involved Individual #1:	[REDACTED], [REDACTED], 1967, male, black
Case Type:	Excessive Force

I. ALLEGATIONS

Officer	Allegation	Finding
Unknown Officer	1. It is alleged that the unknown officer punched [REDACTED] on the right side of his chest.	Not Sustained

II. SUMMARY OF EVIDENCE²

On July 4, 2014, [REDACTED] was arrested and charged with Manufacturing/Delivering Heroin during an undercover narcotics operation. [REDACTED] alleged that a white male officer he could not further describe punched him when he was at Homan Square for processing. The arresting officers all denied striking [REDACTED] or seeing any other officer physically mistreat him. There were no witnesses to this interaction and no video recordings. [REDACTED] was screened at [REDACTED] when he arrived at the Cook County Department of Corrections on July 5, 2014, but did not report experiencing any pain or that he had been mistreated by police.

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;

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.

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.

- 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

This investigation revealed insufficient evidence to prove or disprove the allegation [REDACTED] made. The involved officers all denied that [REDACTED] was physically abused during his processing. There were no witnesses to or video recordings of the incident to help determine what happened. Therefore, COPA finds the allegation is **Not Sustained**.

Approved:

[REDACTED]

5/31/19

[REDACTED]
Deputy Chief Administrator – Chief Investigator

Date

Appendix A

Assigned Investigative Staff

Squad#:	█
Investigator:	████████████████████
Supervising Investigator:	████████████████████
Deputy Chief Administrator:	████████████████████