

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

Date/Time/Location of Incident:	December 17, 2015-December 18, 2015
Date/Time of COPA Notification:	December 18, 2015 at 8:21 a.m.
Involved Officer #1:	██████████, Star # ██████████, Employee ID# ██████████ Date of Appointment: ██████████, 2013 DOB: ██████████, 1986, M/W, Police Officer, Unit of Assignment: ██████████
Involved Officer #2:	██████████, Star# ██████████, Employee ID# ██████████ Date of Appointment: ██████████, 1995 DOB: ██████████, 1966, M/W, Police Officer Unit of Assignment: ██████████
Involved Individual #1:	██████████, DOB: ██████████, 1985, M/B
Case Type:	Excessive Force, Failure to Provide Service, Inattentive to Duty

**I. ALLEGATIONS**

Officer	Allegation	Finding
Officer ██████████	1. It is alleged that on or about December 17, 2015 the accused used excessive force against ██████████ during his arrest.	NOT SUSTAINED
	2. It is alleged that on or about December 17, 2015 the accused engaged in an unjustified verbal altercation with ██████████.	NOT SUSTAINED
	3. It is alleged that on or about December 17, 2015 the accused failed to provide ██████████ with medical attention.	NOT SUSTAINED
	4. It is alleged that on or about December 17, 2015 the accused failed to properly document the	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.

Officer [REDACTED]	<p>circumstances and details of the arrest of [REDACTED].</p> <ol style="list-style-type: none"> <li>1. It is alleged that on or about December 17, 2015 the accused failed to adhere to the guidelines as directed in the Arrestee Screening and Monitoring chart in that he failed to notify the District Station Supervisor of injuries regarding [REDACTED].</li> <li>2. It is alleged that on or about December 17, 2015 the accused failed to adhere to the directives set forth in Special Order 06-01-02 in that he accepted [REDACTED] into lock-up with visible injuries.</li> <li>3. It is alleged on or about December 17, 2015 the accused failed to adhere to the directives set forth in Special Order 06-01-02 in that he failed to properly complete the Lockup Keeper Processing section on the arrest report of [REDACTED].</li> <li>4. It is alleged that on or about December 17, 2015 the accused failed to provide [REDACTED] with medical attention.</li> </ol>	<p>NOT SUSTAINED</p> <p>NOT SUSTAINED</p> <p>NOT SUSTAINED</p> <p>NOT SUSTAINED</p>
--------------------	---	---

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

On December 17, 2015, Officer [REDACTED], Star#[REDACTED] and his partner, Officer [REDACTED], Star#[REDACTED], responded to a request for service for an alleged domestic battery in progress at [REDACTED].<sup>3</sup> Upon their arrival to the address, they met with a female victim, [REDACTED], who informed them that the alleged offender, [REDACTED], left the scene. While speaking with the victim, Officer [REDACTED] and his partner were notified that Officers [REDACTED], Star#[REDACTED] and [REDACTED] Star#[REDACTED] located and detained [REDACTED] at the location of [REDACTED]. Officer [REDACTED] and [REDACTED] relocated to that address.

During his statement to IPRA,<sup>4</sup> [REDACTED] stated that while he was detained by the police, the officers were informed by another patrol unit that [REDACTED] was uncooperative and refused to sign complaints. Subsequently, [REDACTED] was released from police custody. [REDACTED] alleged that as he began to walk away, Officer [REDACTED] became upset and stated words to the effect, “You’re lucky motherfucker. I’ll fight you,” challenging him to a fight. At that time, the two engaged in a verbal altercation. During the dispute, [REDACTED] confirmed that he stated words to the effect of,

<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.

<sup>3</sup> Att. 10

<sup>4</sup> Att. 15 and 19

“I got them hands too” to Officer [REDACTED]. As a result, [REDACTED] was rushed by three officers, who attempted to take him in custody, and [REDACTED] was struck in the eye.<sup>5</sup> [REDACTED] was arrested for assault against an officer.<sup>6</sup> [REDACTED] did not know he was injured until the next morning, when he was awakened by a CPD member in his cell who asked him what happened to his eye. [REDACTED] was only able to speculate how the injury occurred.<sup>7</sup> Upon discovery of the injury, [REDACTED] was escorted to [REDACTED] for treatment. Hospital records retrieved from [REDACTED]<sup>8</sup> and Evidence Technician photos confirmed swelling and discoloration to his eye.<sup>9</sup>

During his statement, Officer [REDACTED]<sup>10</sup> did not recollect many details regarding the incident and relied heavily upon the CPD reports. Officer [REDACTED] stated that after he informed [REDACTED] that he was not to return to [REDACTED] residence, [REDACTED] became upset, clinched his fist, and stated, “Take your shit off Bitch, I got them hands, I’m gonna beat your fucking ass.” Ultimately, [REDACTED] was taken into custody and there was no further incident. Officer [REDACTED] denied observing or noticing any injuries on [REDACTED]. Furthermore, Officer [REDACTED] denied any physical or verbal altercation with [REDACTED] and denied all other allegations against him.

Similarly, Officers [REDACTED]<sup>11</sup>, [REDACTED]<sup>12</sup>, and [REDACTED]<sup>13</sup> related that [REDACTED] became angry with Officer [REDACTED] after he was directed not to return to the victim’s residence. It was during that time, that [REDACTED] directed a verbal threat toward Officer [REDACTED]. Officers [REDACTED] and [REDACTED] added that once [REDACTED] issued the threat, he clinched his fist and positioned himself in a fighting stance. The Officers denied observing any physical or verbal altercation between Officer [REDACTED] and [REDACTED] or any injury to [REDACTED]. Additionally, the Officers confirmed there was no struggle or need for an emergency takedown because [REDACTED] complied. It should also be noted that all officers stated that they believed [REDACTED] was intoxicated during this time.

Allegations against Officer [REDACTED] were related to procedural requirements for processing offenders in lock-up. During his interview, [REDACTED] confirmed he was one of two CPD members working the lock-up, but could not recollect any specific interactions with [REDACTED] during processing. Officer [REDACTED] denied having any knowledge of or receiving any complaint of injury to [REDACTED]. Moreover, he noted that since [REDACTED] did not arrive to lock up until after 2:00 a.m., [REDACTED] was likely asleep through the remainder of his shift, causing the two to have very limited interactions.<sup>14</sup>

During the investigation COPA retrieved the [REDACTED] Watch 15-minute log for December 18, 2015.<sup>15</sup> Per the record, Officer [REDACTED] checked in on [REDACTED] at 4:00 a.m. However, Officer [REDACTED]

---

<sup>5</sup> Att. 19, Pg. 6-7:1

<sup>6</sup> Att. 5

<sup>7</sup> Att. 15 and Att. 19 (Pg. 7:2-4, 8, 9:1-18)

<sup>8</sup> Att. 20

<sup>9</sup> Att. 23

<sup>10</sup> Att. 58

<sup>11</sup> Att. 49-50

<sup>12</sup> Att. 45

<sup>13</sup> Att. 44

<sup>14</sup> Att. 68-69

<sup>15</sup> Att. 59

could not confirm if he checked ██████████ by way of video monitoring or simply walking by the cell. According to the log, ██████████ was checked on every 15-minutes during the █ Watch. When presented with ██████████ CB photos,<sup>16</sup> Officer ██████████ could not point out any significant signs of injury to ██████████ eye. He further stated that it was difficult to determine if the images were of his regular appearance or not. Officer ██████████ denied all allegations alleged 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 find that the allegations against Officer ██████████ and ██████████ are **Not Sustained**. Though ██████████ had a clear injury to his eye, there is insufficient evidence to either prove or disprove his allegation against Officer ██████████ as there were no independent witnesses or video evidence to corroborate his account. Moreover, ██████████ did not know how the injury occurred

---

<sup>16</sup> Att. 6

and was merely speculating that it was caused by Officer [REDACTED]. Additionally, all other involved officers denied knowledge of [REDACTED] injury or that any physical struggle occurred.

Similarly, there is insufficient evidence to either prove or disprove that Officer [REDACTED] had knowledge of [REDACTED] injury. Therefore, there is insufficient evidence to prove that he should have documented the injury, notify a supervisor, seek medical attention for [REDACTED], or not accepted him into lockup. This investigation revealed insufficient evidence to corroborate or refute the allegations made by [REDACTED] against either officer and therefore, all allegations are **Not Sustained**.

Approved:

[REDACTED]

5/30/19

\_\_\_\_\_  
*Deputy Chief Administrator – Chief Investigator*

\_\_\_\_\_  
Date

Appendix A

Assigned Investigative Staff

---

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