

SUMMARY REPORT OF INVESTIGATION¹

Date/Time/Location of Incident:	October 26, 2015; 2:30 AM; [REDACTED] October 26, 2015; 3:15 AM; [REDACTED] ([REDACTED] District Station)
Date/Time of COPA Notification:	November 19, 2016; 5:13 PM
Involved Officer #1:	[REDACTED], # [REDACTED]; Employee # [REDACTED]; Date of Appointment: [REDACTED], 1995; Police Officer; Unit of Assignment [REDACTED]; DOB [REDACTED], 1972; Male, Hispanic
Involved Officer #2:	[REDACTED], # [REDACTED]; Employee # [REDACTED]; Date of Appointment: [REDACTED], 2007; Police Officer; Unit of Assignment [REDACTED]; DOB [REDACTED], 1982; Male, White
Involved Officer #3:	[REDACTED], # [REDACTED]; Employee # [REDACTED]; Date of Appointment: [REDACTED], 1999; Police Officer; Unit of Assignment [REDACTED]; DOB [REDACTED], 1975; Female, White
Involved Officer #4:	[REDACTED], # [REDACTED]; Employee # [REDACTED] Date of Appointment [REDACTED], 2000; Filed Training Police Officer; Unit of Assignment [REDACTED]; DOB [REDACTED], 1973; Male, Asian
Involved Individual #1:	[REDACTED]; DOB [REDACTED], 1993; Female, Black
Case Type:	Excessive Force

I. ALLEGATIONS

Officer	Allegation	Finding
Officer [REDACTED]	1. While at [REDACTED], handcuffed [REDACTED] too tightly, in violation of Rules 2 & 8.	Not Sustained
	2. While at [REDACTED], caused damage to [REDACTED]'s cell phone and wrist watch when he handcuffed [REDACTED], in violation of Rule 2	Not Sustained

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.

<p>Officer [REDACTED]</p>	<ol style="list-style-type: none"> 1. While at [REDACTED], handcuffed [REDACTED] too tightly, in violation of Rules 2 & 8. 2. While at [REDACTED], caused damage to [REDACTED]'s cell phone and wrist watch when he handcuffed [REDACTED], in violation of Rule 2 	<p>Not Sustained</p> <p>Not Sustained</p>
<p>Officer [REDACTED]</p>	<ol style="list-style-type: none"> 1. While inside the [REDACTED] District Station, "slammed" Ms. [REDACTED]'s face against a bench, in violation of Rules 2 and 8. 2. While inside the [REDACTED] District Station, forcefully removed [REDACTED]'s ear and nose ring. 	<p>Not Sustained</p> <p>Not Sustained</p>

II. SUMMARY OF EVIDENCE²

COPA reviewed all relevant reports including the arrest report, original incident case report and supplementary report. IPRA viewed video footage from the [REDACTED] District processing area, which was summarized in an investigative report.³ IPRA conducted an interview with [REDACTED].

In sum, the complainant, [REDACTED], alleged that on October 26, 2015, while at [REDACTED]. [REDACTED], several officers handcuffed her too tightly and caused damage to [REDACTED]'s cell phone and wrist watch. [REDACTED] also alleged that on the same date while at the [REDACTED] District lockup, a female officer "slammed" [REDACTED]'s face against a bench and forcefully removed [REDACTED]'s ear and nose ring. The photographs submitted by [REDACTED] (no date/time indicated) depicted what appears to be small red marks on her wrist and a damaged cellular phone.

According to the medical records obtained from [REDACTED] Immediate Care, [REDACTED] arrived on October 28, 2015 and complained of pain to her right shoulder. [REDACTED] reported that the injury was the result of being handcuffed and shoved to the ground during her arrest. [REDACTED] was diagnosed with sprains to her left and right shoulder joints. [REDACTED] was also diagnosed with contusions to her left and right wrist.

Department reports indicate that on October 26, 2015 at approximately 2:30 am, [REDACTED] was arrested and charged with battery. It is reported that as [REDACTED] (employee of [REDACTED]'s Bar) was escorting [REDACTED] out of the bar, [REDACTED] bit him about his left wrist. [REDACTED] was placed into custody upon signed complaints without incident. [REDACTED] was transported to the [REDACTED]th District for

² 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.

³ The video footage is not an attachment in the case file.

processing, where she was searched by Officer [REDACTED], # [REDACTED]. According to the lockup screening log, [REDACTED] did not have any obvious pain or injury. The video footage of the [REDACTED] District processing room did not capture any images of the incident regarding the actions alleged by [REDACTED].

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. *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 conduct 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

Allegations #1 & 2 against Officer [REDACTED] and Officer [REDACTED] are Not Sustained.

[REDACTED] alleged that Officers [REDACTED] and [REDACTED] handcuffed her too tightly and caused damage to her cell phone and wrist watch. The photographs submitted by [REDACTED] depict what appears to be red marks to both wrist and a damaged cellular phone. According to the medical records, [REDACTED] was diagnosed with sprains to her left and right shoulder joints along with contusions to her left and right wrist. The arrest and case reports does not indicate that Officers [REDACTED] or [REDACTED] utilized physical force to place [REDACTED] into custody. Furthermore, the arrest and case reports does not indicate that [REDACTED] complained of injuries or requested medical attention while in police custody.

However, the arrest and case reports indicate that [REDACTED] had been involved in a physical altercation as she was being escorted out of [REDACTED]’s Bar prior to her contact with the accused officers. Officers [REDACTED] and [REDACTED] denied committing the acts alleged against them. There is no conclusive evidence to determine how [REDACTED] sustained her injuries nor how her cell phone was damaged. There is insufficient evidence to prove or disprove the allegations. COPA finds that allegations #1 and #2 against Officers [REDACTED] and [REDACTED] are **Not Sustained**.

Allegations #1 & 2 against Officer [REDACTED] are Not Sustained.

[REDACTED] alleged that Officer [REDACTED] “slammed” Ms. [REDACTED]’s face against a bench and forcefully removed Ms. [REDACTED]’s ear and nose rings. The photographs submitted by [REDACTED] does not depict injuries consistent with the allegations against Officer [REDACTED]. According to the medical records, [REDACTED] did not complain of any injuries to her piercing areas to the hospital personnel. The arrest and case reports does not indicate that physical force was utilized while processing [REDACTED] inside the [REDACTED] District. Furthermore, the arrest and case reports does not indicate that [REDACTED] complained of injuries or requested medical attention while in police custody. Officer [REDACTED] denied committing the acts alleged by [REDACTED]. Witness Officer [REDACTED] denied observing Officer [REDACTED] commit the acts alleged against her. There is insufficient evidence to determine how [REDACTED] sustained her injuries. COPA finds that allegations #1 and #2 against Officer [REDACTED] are **Not Sustained**.

Approved:

[REDACTED]

March 18, 2019

[REDACTED]

Date

Deputy Chief Administrator – Chief Investigator

Appendix A

Assigned Investigative Staff

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